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REPORTS

ON

CRIMINAL JUSTICE IN BURMA

FOR

THE YEAR 1893.

RANGOON

PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRINTING, BURMA.

1894.

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RESOLUTION

ON THE

REPORTS ON CRIMINAL JUSTICE IN BURMA

FOR

THE YEAR 1893.

Extract from the Proceedings of the Chief Commissioner, Burma, in the Judicial Department, No. 3C.-1, dated the 20th August 1894.

READ—

The reports by the Judges of the Special Court, the Judicial Commissioners, Upper and Lower Burma, and the Recorder of Rangoon, on the Administration of Criminal Justice in Burma during the year 1893.

LOWER BURMA.

RESOLUTION.—The number of offences reported in the year 1893 in Lower Burma was 49,155, and exceeded by 2,397 the total of the previous year. To thefts 704 and to special and local laws 380 more cases were attributed, but the increase was general over the majority of the classes of offences, the most noticeable, though not the largest, exceptions being in offences affecting life, which were less numerous by three, and in robberies and dacoities, which were less numerous by twenty cases. The total of cases returned as true was 46,966, so that 2,189 complaints and informations were either dismissed by Magistrates or thrown out by the police under the Magistrates' orders as false. Both in Rangoon Town and in the interior, and both among complaints and among informations, there was a decrease in the number of cases stopped at this preliminary stage. It does not appear that the percentage of acquittals was raised, and it may be concluded that on the whole the magistracy acted judiciously in declaring fewer cases to be false. Out of 1,101 informations declared to be false in the 19 interior districts, the Akyab district provided no less than 530. The Chief Commissioner is glad to see that prosecutions for offences against public justice rose in this district from 27 to 59; if they are ordered or sanctioned with care, some impression should be made on the number of cases in which criminal procedure is maliciously abused. The Chief Commissioner observes that in the Henzada district the increase of offences under special and local laws is attributed to prosecutions under the Embankments Act and will be glad to know why these cases were tried by Magistrates instead of by village headmen. The decrease of prosecutions under the Police and Municipal Acts in Amherst district should have been explained. It can hardly be due to a diminution of offences against sanitary laws in Moulmein Town. One of the most remarkable features in the statistics is the increase in the number of cases of grievous hurt. In 1884 there were 301 such cases returned as true from Lower Burma excluding Rangoon Town. The number rose steadily every year until 1890, when there were 470 such cases. In 1891 there was a drop to 419, but in 1892 there were 467 and in 1893 there were 557 cases. In the same decennial period cases of simple hurt have risen from 1,720 to 2,255 and cases of criminal force and assault have fallen

from 2,705 to 2,522, the year 1889, with 2,884 cases, showing the greatest number of these offences. The line between assaults and simple hurt is not very clearly observed by most Magistrates, and no great surprise need be manifested, considering the character of the urban populations, which include many quarrelsome coolies from Madras, at an increase in these petty cases. But the increase in cases of grievous hurt stands upon a different footing. The Chief Commissioner has been told that young Burmans resort more readily than formerly to the use of daggers and knives in their quarrels, and he has been urged to prohibit the importation of the large clasp-knives which are manufactured in Europe and brought to this country, and which are said to be extensively carried as weapons of offence. The Chief Commissioner was of opinion that it would be impossible to prohibit the import or carrying of these knives without unwarrantable interference with many who used them for perfectly legitimate purposes, and it did not appear to him that a clasp-knife was a more lethal weapon, or one which could be more conveniently concealed about a man's person, than a dagger manufactured in Burma. Some endeavour must, however, be made to arrest the increase in cases of wounding and stabbing, and Sir Alexander Mackenzie will be obliged if the Judicial Commissioner will by an analysis of the decennial statistics see to which districts the increase is due. Enquiries can then be made into its causes and measures for its prevention can be considered. The increase in cases of cattle-theft has been dealt with elsewhere.

Comparison of judicial and police statistics.

2. The comparison between the judicial and police statistics which has been annually instituted during the last few years is this year rendered difficult by the fact that the Inspector-General of Police has reckoned Thayetmyo as an Upper Burma district, while the Judicial Commissioner has correctly included it in the Lower Burma returns. Orders have recently issued regarding the classification of all cases which come before Magistrates, whether sent up by the police or otherwise taken cognizance of, and regarding the treatment of cases which turn out to be false owing to mistake of fact or law. If these orders and the other orders which have already been issued are carefully obeyed, the Chief Commissioner believes that the two sets of statistics will be as nearly reconciled as is possible without recasting the form of the police returns.

Disposal of cases

3. The number of cases brought to trial in 1893 was 40,860 and exceeded the total of the previous year by 1,222. The courts tried 69,110 persons against 66,577 in 1892, of whom 40,926 were convicted and 26,160 were acquitted. District Magistrates tried 2,201 persons against 2,415 in the previous year; subordinate stipendiary Magistrates tried 54,267 against 54,400, but the increase of work mainly fell upon Honorary Magistrates, before whom 12,636 persons appeared against 9,464 persons in the previous year. The formation in November 1893 of the new district of Myaungmya out of portions of the Bassein and Thôngwa districts strengthened the stipendiary magistracy and gave some much-needed relief to the Deputy Commissioners of those two districts. The table in paragraph 10 of the Judicial Commissioner's report shows that Deputy Commissioners exercised their special powers in 320 cases concerning 481 persons, being 32 cases more, and six persons less, than in the previous year. The Chief Commissioner will be obliged if next year the Judicial Commissioner can give the same information as

is tabulated in paragraph 11 of the Upper Burma report. Such statistics become of importance and value when questions regarding the division of districts or the distribution of sessions cases come under consideration. In Rangoon Town the Honorary Magistrates tried 8,929 persons, being 3,507 more than in 1892. In the interior the business of Honorary Magistrates showed on the whole a slight decrease, but in Akyab and Bassein it increased. The percentage of convictions in districts under the Judicial Commissioner fell from 61 to 60. The lowest percentage was again in Akyab district, in which eight courts showed a percentage below 45 and the whole district showed 49·20. Hanthawaddy with 51·16 was little better, and Bassein and Thôngwa came next with 53·78 and 53·94 respectively, the former being a little higher, and the latter a little lower, than in the preceding year. Enquiries were made last year into the causes of the continued low percentages in Akyab, Thôngwa and Bassein. In Akyab they were attributed to the lying propensities of Chittagonians, and in Bassein to a number of acquittals in petty cases; in Thôngwa no cause was discovered, but the Deputy Commissioner reported that the year 1893 would give a better percentage, which it has not done. The Chief Commissioner desires that the enquiries may be continued in the current year. In Rangoon Town the number of persons under trial rose from 14,056 to 16,703. The work of the Junior Assistant Magistrate decreased by 1,024 persons and that of the Assistant Magistrate increased by 451 persons. It is reasonable that the Assistant Magistrate should dispose of more cases than the Junior Assistant Magistrate, but the disproportion between them was too great. The number of persons pending trial at the close of the year was 92 less than in 1892, and the Chief Commissioner has no doubt that the staff of Magistrates is sufficient if they work methodically.

Preventive law.

4. The number of proceedings in which outside Rangoon security for good behaviour was demanded rose from 1,781 to 1,803 and 1,366 persons were eventually ordered to give security. The percentage of convictions rose from 72 to 78, but Akyab and Hanthawaddy, in this class of cases, just as in regular trials, had very low percentages. It would seem that in both these districts the police and the village headmen and elders are not working in harmony. In Rangoon Town 105 and in the interior 833 persons were imprisoned for failure to give security.

Sentences.

5. The number of persons punished in the Judicial Commissioner's jurisdiction fell from 29,109 to 28,391, and in that area rigorous imprisonment without solitary confinement was the only class of penalty which was inflicted more often than in 1892. Whippings in lieu of other punishments, though in number exactly equal to the number inflicted in the previous year, bore a larger proportion to the total of punishments. In Rangoon Town there was a substantial increase from 416 to 474 in the total number of whippings. There should be little difficulty now in arranging for the due execution of sentences of whipping at the headquarters of Township Magistrates and the Chief Commissioner is prepared to entertain applications for the conferment of powers under Act VI of 1864 upon as many second-class Magistrates as the Judicial Commissioner can recommend. Both in Rangoon and in the rest of Lower Burma the realization of fines was better than in the preceding year. The total amount imposed was Rs. 3,84,718, of which Rs. 3,16,622 were

realized. The Chief Commissioner is pleased to see an increase from Rs. 15,316 to Rs. 26,433 in the amount paid by way of compensation, and a decrease from 725 to 609 in sentences of imprisonment not exceeding 15 days, and from 331 to 179 in sentences of simple imprisonment. Capital sentences fell from 52 to 22, and sentences of transportation from 385 to 322; sentences of imprisonment for terms exceeding two and not exceeding seven years fell from 738 to 588. The decrease of convictions in the Sessions Courts was not sufficient to explain these large differences, and they must therefore be attributed to the action of Magistrates also.

Sessions Courts.

6. From the police point of view the results of sessions trials were very unsatisfactory. The number of persons acquitted in the Pegu Division was greater by 52 than the number convicted. In the Irrawaddy Division there were 151 persons acquitted out of 326 who were tried. In the Prome district the percentage of convictions was 52 per cent., in the Tharrawaddy district 35 per cent., and in the Pegu district 24 per cent. The percentages for the various districts in the Irrawaddy Division are not given, but in November last the Deputy Commissioner of Bassein reported that in his district, for the first nine months of 1893, the percentage of convictions was 61. If this rate was continued during the remainder of 1893, the responsibility for the low percentage of 53·68 for the division must lie with the Thôngwa, Henzada, Myaungmya or Thayetmyo district. The latter district was, on the constitution of the Myaungmya district, transferred from the Irrawaddy to the Southern Division, and for the last two months of the year shows a remarkably high percentage. It may be left out of account for the present. The Chief Commissioner does not doubt that imperfect and slovenly investigation by the police lay at the root of the failures in the Sessions Courts. The police either got hold of the wrong men, or they neglected to work up the cases against the right men. The police of the Pegu district, which shows the lowest percentage of convictions in the Sessions Courts, are most unfavourably reported on by the District Magistrate and the Commissioner, and in cases of all kinds the proportion of convictions to arrests was only 58 per cent. But the Magistrates are more directly responsible. Had they done their duty, the cases would not have reached the Sessions Courts at all, or would have reached them with the facts clearly ascertained and the reasons for implicating the accused persons logically deduced and set forth. It is difficult to exaggerate the injustice done to some of the accused, the unnecessary inconvenience caused to many of the witnesses, the waste of highly paid officials' time, the extra work entailed upon the Additional Sessions Judge and his consequent inability to relieve the overburdened Commissioners of some of their criminal appeals, and the injury caused in all directions to the administration of justice, which are produced by the laziness and the desire to shirk responsibility of Magistrates who wrongly commit cases to the Court of Session. The Chief Commissioner desires it to be understood that officers who neglect their duty in this direction will be considered unfit for promotion, and requests that the Commissioners of the Pegu and Irrawaddy Divisions will go through the sessions cases of the Pegu, Tharrawaddy, Prome, Henzada, Thôngwa and Myaungmya districts and report to him the names of the officers who committed cases in a slovenly manner, the percentage of convictions in the case of each such officer, and any extenuating circumstances which may partially excuse him, such as press of

work in other directions. The Commissioner of the Pegu Division will also be so good as to report to the Financial Commissioner upon the peculiar land revenue system, which seems to engage all the time of the Pegu district officials. In making the foregoing remarks, the Chief Commissioner has not neglected the possibility that the large number of acquittals by the Additional Sessions Judge might be due to the exceptionally high standard of proof required by, or other idiosyncrasies of, that Judge. But it is unlikely that the reason is to be sought in this direction, firstly, because, among the appeals from seven Sessions Courts, those from the Additional Sessions Judge show the third largest percentage of interference by the Judicial Commissioner, and, secondly, because only three applications from the Irrawaddy and no applications from the Pegu Division were made in 1893 for appeals by Government against acquittals by the Additional Sessions Judge. The average duration of sessions cases was 42 days, the same as in the preceding year. In the Pegu Division 43, in the Tenasserim Division 60, and in the Southern Division 54 days were, considering the circumstances of each division, abnormally long periods. In the Pegu Division communications are good, and the Additional Sessions Judge should have been able to dispose of cases much more quickly. When he was unable to finish a calendar in the allotted time, he should have arranged with the Commissioner to try the remaining cases or to take his next fixture for him. The Recorder sitting as a Court of Sessions with a jury tried 49 persons, of whom 28 were convicted, a rather better result than in 1892.

Appeals.

7. Appeals to District Magistrates (not including the District Magistrate, Rangoon Town) rose from 535 to 713, and to Sessions Judges from 2,557 to 2,588, while appeals to the Recorder fell from 219 to 196, and to the Judicial Commissioner from 569 to 428. The results of appeals in general outside Rangoon were much more favourable to appellants than in the preceding year as the percentage of sentences left untouched fell from 79·34 to 72·32. To the Sessions Judge of Pegu 992 and to the Sessions Judge of Irrawaddy 899 appeals were preferred. At the close of 1893 arrangements were made for the Commissioner of Pegu to transfer some appeals to the Additional Sessions Judge for hearing, but the Chief Commissioner fears that the amount of relief which will be thus afforded will be inappreciable, and the need of another Judge for sessions cases and criminal appeals in the two deltaic divisions is becoming urgent. If his time were not fully occupied by these duties, he might relieve Commissioners and Deputy Commissioners of part of their civil appellate work also. In the Judicial Commissioner's Court the proportion of appeals rejected or dismissed fell from 78 to 76 per cent., and the Judicial Commissioner only found it expedient to confirm capital sentences in 19 out of 51 cases. While disclaiming any desire to interfere with the Judicial Commissioner's discretion in individual cases, Sir Alexander Mackenzie thinks it might be advisable for the Judicial Commissioner to lay down some general instructions which would obviate the necessity of such frequent disagreement. Revisional references to the Judicial Commissioner declined from 216 to 179 cases, but of his own motion the Judicial Commissioner called for 963 cases against 613 in the previous year.

Miscellaneous.

8. The number of processes issued increased from 71,970 to 87,511. The receipts were sufficient to pay the charges. The Chief Commissioner would be glad to know next

year to what extent the police have been relieved of the duty of serving processes in cognizable cases.

UPPER BURMA.

Cases reported.

9. Reported cases were 1,950 and true cases were 1,546 fewer than in the previous year. Among the 15,452 true cases there were included 6,510 offences against property and 5,265 offences under special and local laws, against 7,229 and 5,900 in the previous year. Dacoities, robberies and cattle-thefts were less numerous by 13, 27 and 147 true cases respectively, but there were 15 more murders and 21 more cases of grievous hurt. The Chief Commissioner does not think that perjuries or malicious prosecutions are particularly rife in Upper Burma, but he is glad to see that the Judicial Commissioner is alive to the necessity of checking the too probable growth of these offences and of urging Judges and Magistrates to order prosecutions. The Chief Commissioner also agrees in approving the composition of offences against the forest laws. A similar procedure may, perhaps, with advantage be introduced in the case of offences against municipal bye-laws, as has already been done in the Punjab.

Disposal of cases.

10. The number of subdivisions was reduced from 51 to 45 in pursuance of a general policy of contracting establishments as much as possible, but notwithstanding this reduction, the number of Magistrates was still greater than in Lower Burma. As opportunities occur, further amalgamations of subdivisions and townships should be proposed. There were 22,240 persons under trial against 23,583 in the preceding year. The Chief Commissioner regrets to see a further falling off in the percentage of convictions. No doubt the inclusion of compounded cases vitiates the absolute accuracy of the percentage, but it can hardly have much influence upon the comparison with the previous year and it is disappointing to find that there is no improvement. Although the Judicial Commissioner refers to several points in which the working of the police should be amended, his final conclusion is that the low percentage of convictions is due to the "direct" cases taken up by Magistrates. If this be so, the remedy is for the Magistrates to exercise greater care before issuing summonses or warrants for the appearance of the accused. When so large a proportion of accused persons is acquitted, the inference is that the procedure of the courts is abused to gratify private malice. Considering the large number of Magistrates and the diminished number of cases, it is unsatisfactory to find that there were 538 persons pending trial at the close of 1893 against 415 at the close of the previous year, and that the average duration of trials increased from 7·26 to 8·56 days, Magistrates taking longer and Sessions Judges a shorter time. Prosecutions under the preventive law fell from 349 to 265; the proportion of convictions was a little better than in 1892, being 66 against 63 per cent. There is a considerable mass of evidence that the present law is not effective, and Sir Alexander Mackenzie agrees that it is susceptible of improvement. Until, however, the Government of India announces its decision regarding the proposed amendment of the law, District Officers must make the best use possible of their existing powers.

Sessions cases.

11. The Courts of Session tried 156 persons, being 63 less than in the previous year, and convicted 70 against 64 per cent. of them. Deputy Commissioners under their special

powers convicted and referred to the Court of Sessions 87 against 128 persons. Both sets of figures indicate a further decrease of serious crime. Deputy Commissioners also convicted 66 other persons against 100 in the previous year, the punishment inflicted on whom did not require reference to the Court of Session. The largest number of persons tried by a Deputy Commissioner under his special powers was 27 in the Meiktila district, and the fact that the average number was only 12, while in Lower Burma the highest number of persons tried was 59 and the average was 25, shows that the work of District Magistrates in this branch of their duties was light.

Sentences.

12. The number of persons punished with fine only, though absolutely less than in 1892, bore a larger proportion to the total of persons punished; sentences of whipping increased both absolutely and proportionately. The Chief Commissioner agrees in the remark that first offenders, especially when young, should be punished with whipping rather than with imprisonment. The Upper Burma Laws Act gives Magistrates wide discretion in the use of this punishment, which they should utilize, especially when the offender, though not a juvenile offender within the legal definition, is still a youth. Arrangements should be made by District Magistrates for the execution of such sentences at the courts situated at a distance from a jail. In order to be deterrent a whipping must be severe, and the Chief Commissioner is therefore glad to see that sentences of ten stripes and under decreased. The increase in the percentage of fines realized is also satisfactory. The average amount of fine, namely, Rs. 13-9-0, was only a little higher than in Lower Burma. It is probably susceptible of further reduction. Sir Alexander Mackenzie agrees with the Judicial Commissioner that the sentences passed upon habitual offenders are not sufficiently deterrent, and, while joining in the hope that legislation may diminish the class of irreclaimable offenders, he trusts that the Judicial Commissioner does not neglect to use his own powers for enhancing inadequate penalties.

Appeals.

13. The introduction of a new Criminal Justice Regulation from the 1st January 1893 caused appeals to District Magistrates to rise from 97 to 203. Appeals to Sessions Judges also rose from 526 to 580, but those to the Judicial Commissioner diminished from 177 to 129. The percentage of interference by Sessions Judges was considerably higher in all divisions than in the previous year, while that of District Magistrates ranged from 75 per cent. in Minbu to *nil* in Katha. The Judicial Commissioner rejected or dismissed 76 per cent. of the appeals preferred to him. Fewer cases were called for in revision, but as the Judicial Commissioner of his own motion examined cases affecting 1,859 persons, as Sessions Judges and District Magistrates examined 1,251 cases, and as 167 cases affecting 346 persons were referred by Sessions Judges and Magistrates to the Judicial Commissioner, sufficient attention seems to have been paid to this branch of work. The special revisional powers of District Magistrates over sentences of second and third class Magistrates are preserved by the new Criminal Justice Regulation, and, though the exercise of this power by them is less necessary since the introduction of regular appeals, still 157 cases were called for on application and 1,279 of their own motion. The utility of these special powers is shown by the number of new trials ordered and proceedings quashed. If all these cases had been referred to

the Judicial Commissioner, much delay must have ensued before justice could have been done. If the Judicial Commissioner thinks fit to make separate proposals for repealing sections 36—40 of the Police Act and section 21 (*2*) of the Upper Burma Municipal Regulation, the Chief Commissioner will be happy to consider them, as he agrees that criminal procedure should be simplified as much as possible.

Miscellaneous.

14. The Chief Commissioner is much obliged to Mr. Burgess for the attention which he has given to the reconciliation of the police and judicial returns. The orders on the subject are somewhat complicated, and considering the poor quality of the clerical assistance available to officers in Upper Burma, absolute accuracy cannot be expected. The instructions recently issued, may effect some improvement by eliminating from the judicial returns cases which were reported as offences, but in which it is found that no criminal act has been committed. The names of the officers commended by the Judicial Commissioner will be noted in the Appointment Department. The Chief Commissioner is gratified to find among them several who in the earlier and more troublous period succeeding the British occupation earned the favour of Government by displaying vigour in the restoration of order. There is not, as is sometimes erroneously supposed, any necessary opposition between executive energy and a careful desire to do justice according to law. The fact that in 13 out of 16 districts the same officer was in charge throughout the year bears testimony to the tranquil state of the upper province. Ill-health consequent on exposure suffered in the suppression of crime was the most frequent cause of a district officer's departure on leave or transfer to a less disturbed district. The decrease of such changes had doubtless a share in the improvement of criminal procedure.

By order of the Chief Commissioner,

F. C. GATES,

Secretary.

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THE CRIMINAL JUSTICE REPORT OF LOWER BURMA FOR The year 1893.

PART I.

Courts exercising jurisdiction in the Town of Rangoon.

SPECIAL COURT OF LOWER BURMA (CRIMINAL).

THE following table shows the number of persons who appealed during the year and the result:—

Court from which appeal preferred.	Pending from previous year.	Number of persons who appealed during 1893.	Total.	Result.				
				Rejected.	Confirmed.	Modified.	New trial ordered.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Court of Sessions.	1	14	15	8	3	2	1	1

2. In the previous year 35 persons appealed against sentences passed by the Court of the Recorder exercising the powers of a Court of Sessions and one against the sentence passed by the Court of the Judicial Commissioner exercising the powers of original criminal jurisdiction.

3. During the year four capital sentences passed by the Court of the Recorder of Rangoon exercising the powers of a Court of Sessions were referred to this Court under section 66 of the Lower Burma Courts Act (XI of 1889) for confirmation. In one case the sentence was set aside and a re-trial was ordered, and in three cases the sentences were confirmed.

4. Besides the above there was one reference made by the Recorder of Rangoon under section 67 of the Lower Burma Courts Act.

RANGOON:
The 4th April 1894.

E. HOSKING,
R. S. T. MACEWEN,
Judges.

Report on the Administration of Criminal Justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1893.

COURT OF THE RECORDER OF RANGOON.

DURING the year 38 cases were committed to this Court as a Court of Sessions and 2 as a High Court, and there remained pending from the previous year 1 case, making in all 41 cases for trial; of these 40 cases were disposed of and 1 remained pending at the close of the year.

2. The following table shows the different courts from which the commitments were made during the year in comparison with the previous year:—

By whom committed.	1892.			1893.		
	As a Court of Sessions.	As a High Court.	Total.	As a Court of Sessions.	As a High Court.	Total.
Junior Assistant Magistrate, Rangoon	35	...	35	17	...	17
Assistant Magistrate, Rangoon ...	32	2	34	18	...	18
District Magistrate, Rangoon ...	3	...	3	3	...	3
Special Magistrate, Rangoon ...	3	...	3	...	...	...
District Magistrate, Akyab ...	...	...	...	...	1	1
District Magistrate, Bassein ...	...	...	...	...	1	1
Total ...	73	2	75	38	2	40

Of these 39 cases were disposed of and 1 remained pending at the close of the year.

3. The following table shows the number of persons sentenced and acquitted by this Court as a Court of Sessions and as a High Court:—

Withdrawn.		Convicted.		Acquitted.
1	...	29	...	22

4. The following table shows the different punishments inflicted by this Court as a Court of Sessions and as a High Court:—

	Persons sentenced to						Detail of punishment.								
		Transportation.		Imprisonment.			Six months and under.		Two years and under.		Seven years and under.	Above seven years.	Fine.		
	Death.	For life.	For a term.	Rigorous.	Simple.	Whipping in addition to rigorous imprisonment.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Rigorous.	Amount of fine.	Amount realized.	Acquitted and withdrawn.
													Rs.	Rs.	
As a Court of Sessions ...	3	1	...	24	...	...	...	...	1	...	21	2	...	...	21
As a High Court	...	...	...	1	...	...	...	...	...	...	1	...	...	...	2
Total ...	3	1	...	25	...	...	...	...	1	...	22	2	...	...	23

5. There were 3 sentences of capital punishments passed by this Court and confirmed by the Special Court; although in one case the sentence was set aside by the Special Court and a new trial ordered, the accused was a second time found guilty and was sentenced to death, which was confirmed by the Special Court. There were two European British subjects committed to this Court as a High Court during the year and one was pending from the previous year. In one case the accused was convicted, and in one the accused was acquitted, and in the other the case was withdrawn.

6. There were 14 appeals preferred to the Special Court during the year from the convictions and sentences of the Recorder's Court as a Court of Sessions, of which the appeals of 8 persons were rejected, 3 dismissed, 1 sentence of transportation for life was reduced to ten years' rigorous imprisonment, 1 new trial ordered, and 1 remained pending.

7. The following table shows the number of cases and persons which came before this Court on appeal together with the result:—

Magistrates from whose decisions appealed.	Number of appeals preferred including those of last year.	Number of persons concerned.	Number of cases disposed of.	Persons whose: Appeals were rejected.	Appeals were confirmed	Sentences were modified.	Sentences were enhanced.	Convictions were reversed.	Appeals were ordered to be re-tried.	Appeals reported to Special Court.	Convicted.	Withdrawn.	Committed to Sessions.	Appeals pending.
District Magistrate, Rangoon Town ..	25	28	24	25	1	1	.	...	.	..		.	..	1
Assistant Magistrate, Rangoon Town ...	95	115	88	66	14	11		14	1	1				7
Junior Assistant Magistrate, Rangoon Town	76	107	67	70	13		..	11	1	.	1	1	1	9
Special Magistrate, Rangoon Town .	1	1	1	..			.	1	.	..	...	...		...
Total ...	197	251	180	161	28	12	..	26	2	1	1	1	1	17

8. The following table shows the number of cases and persons which came before this Court on revision together with the result:—

Magistrates from whose decisions applications were made.	Number of applications presented including those pending from last year.	Number of persons concerned.	Number of cases disposed of.	Persons whose: Applications were rejected.	Sentences were confirmed	Sentences were modified.	Sentences were enhanced.	Convictions were reversed.	Applications were ordered to be re-tried	Applications were struck off.	Applications were withdrawn.	Pending.
District Magistrate, Rangoon Town	7	27	7	..	2	..	...	22		...	3	
Assistant Magistrate, Rangoon Town	33	48	32	14	14	7	1	5	5	1	...	1
Junior Assistant Magistrate, Rangoon Town...	12	16	12	2	8		1	3	2	..	...	...
Total	52	91	51	16	24	7	2	30	7	1	3	1

9. Besides the above the Recorder on his own motion and on the representations made by the Judge of the Small Cause Court and the Inspector-General of Jails called for four cases two from the District Magistrate's Court and two from the Assistant Magistrate's Court. The sentences in two cases were altered; in one case a new trial was ordered and in the other the finding and sentence were not interfered with.

10. There were 14 references made to this Court as a High Court under section 438 of the Criminal Procedure Code—12 by the District Magistrate, 2 by the Assistant Magistrate, which were all disposed of during the year.

11. There were two miscellaneous applications made to this Court during the year which were disposed of; the one pending from the previous year is still pending.

12. The following abstract shows the total work of the Recorder's Court for the year 1893 :—

Sessions trials	40
References	14
Appeals	180
Revisions	51
Cases called for by Recorder	4
Miscellaneous	2
	291

as against 432 of all kinds in 1892.

THE MAGISTRATES' COURT.

13. The subjoined table shows the number of offences, bailable and non bailable, during the year and the number of persons brought to trial, convicted and acquitted as compared with last year :—

Year.	Number of offences reported.			Complaint dismissed under section 203, C. P. C.	Other cases struck off as false.	Balance returned as true.	Brought to trial during the year.	Persons under trial during the year.	Persons acquitted or discharged.	Persons convicted.	Died, escaped, or transferred.	Persons remaining under trial at the close of year.	Persons committed.	Referred.
	Non-bailable.	Bailable.	Total.											
1892	1,607	8,499	10,106	500	473	9,133	9,133	14,056	4,357	9,290	4	302	103	...
1893	1,470	8,973	10,443	236	385	9,822	9,822	16,703	5,063	11,364	6	210	60	...
Increase ...	...	474	337	...	...	689	689	2,647	706	2,074	2	...	...	...
Decrease ...	137	...	...	264	88	...	...	...	...	...	...	92	43	...

The District Magistrate points out that the increase in the number of cases brought to trial is remarkable, and it is satisfactory that in spite of this the number of persons remaining under trial at the close of the year was much less than at the close of 1892.

There has been a decrease of 137 non-bailable, but an increase of 474 bailable, offences. The District Magistrate states that the increase in bailable cases and also in the number of persons brought to trial in those cases is due to an increase in the number of prosecutions by the Society for the Prevention of Cruelty to Animals, and also to prosecutions under the following Acts and sections, namely, Act V of 1861 (Police Act), section 147, Indian Penal Code (Rioting), and certain local laws (Port Trust, &c.). There were 213 persons brought to trial on charges of rioting as compared with 38 in 1892.

14. The following table shows the fluctuation of grave crimes reported for the last few years :—

Year.	Murder under sections 302 and 307, Indian Penal Code.	With violence. Against the person.				Without violence.		
		Grievous hurt.	Hurt.	Total.	Against property.	Theft.	Others.	Total.
1887 ...	12	12	416	440	10	985	49	1,034
1888 ...	9	32	423	464	15	944	77	1,021
1889 ...	15	20	250	285	23	974	78	1,052
1890 ...	7	15	253	275	12	888	83	971
1891 ...	11	25	240	276	11	1,550	80	1,630
1892 ...	6	28	274	306	8	1,314	94	1,408
1893 ...	14	27	234	275	5	1,257	86	1,343

Cases of murder and attempt to murder have increased from 6 to 14, out of which 10 cases were sent up for trial and 4 struck off as false. In these 10 cases

returned as true 11 persons were concerned and sent up for trial. Of these 1 was discharged by the Magistrate and 10 committed to the Court of Sessions. Of the above 14 cases 2 consisted of "Attempts at murder," one of which was struck off and the other committed to the Sessions, thus showing an increase of one case as compared with last year.

Offences under "Grievous Hurt" have increased from 26 to 27, in which 31 persons were concerned and sent up for trial. Of these 8 were convicted by Magistrates and 8 committed to the Court of Sessions.

Ordinary theft cases have decreased this year from 1,314 to 1,257. On the other hand cattle-theft cases have increased, although they mostly consist of thefts of goats and pigs, there being only 7 of bullocks and 2 of ponies.

Although there has been a decrease of 57 ordinary theft cases as compared with 1892, the number is still considerably in excess of the years 1887 to 1890. The highest number in any one year during these 4 years was 985 against 1,257, or an increase of 273 cases.

15. The following table deals with less serious crime:—

Year.	Assault.	Insult	Creating disturbance.	Nuisance, Act V of 1861.	Breach of local rules	Drunk and disorderly, Act V of 1861.	All others	Total.
1887 ...	619	362	...	2,172	1,649	1,498	1,116	7,416
1888 ...	637	317	4	1,841	2,038	1,328	1,077	7,242
1889 ...	752	390	10	2,471	2,600	1,700	1,459	9,382
1890 ...	851	303	13	1,808	2,918	1,170	596	7,659
1891 ..	960	276	30	1,938	2,467	1,045	785	7,507
1892 ...	652	324	10	2,040	2,710	1,265	729	7,730
1893 ...	775	266	25	2,697	2,546	1,071	1,440	8,820

There is a considerable increase in the number of cases of less serious crime, the prosecutions under section 34 of Act V of 1861 especially having been more numerous than in 1892. The total increase of cases as compared with 1892 has been 1,090.

16. The following table deals with the more serious offences for the last few years:—

Year	With violence.										Without violence.				Total	
	Murder.		Grievous hurt.		Hurt.		Total		Against property.		Thefts.		Others			
	Reported.	Brought to trial.	Reported.	Brought to trial	Reported.	Brought to trial.	Reported.	Brought to trial	Reported.	Brought to trial.	Reported	Brought to trial	Reported	Brought to trial	Reported.	Brought to trial
1887 ..	12	12	12	8	416	401	440	421	10	10	985	680	49	49	1,034	739
1888 ...	9	9	32	18	423	420	464	447	15	13	944	685	77	50	1,021	735
1889 .	15	11	20	9	250	244	285	264	23	19	974	813	78	47	1,052	860
1890 .	7	6	15	15	253	215	275	236	12	11	888	794	83	74	971	868
1891 .	11	11	25	24	240	240	276	275	11	8	1,550	872	80	64	1,630	936
1892 .	6	5	26	26	274	236	306	267	8	7	1,314	878	94	81	1,408	959
1893 . .	14	10	27	22	234	230	275	262	5	4	1,257	918	86	66	1,343	984

17. The following table shows the statistics of violent crimes in greater details:—

Offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1892.	1893.	1892	1893.	1892.	1893
Murder	5	12	4	9	6	9
Attempt at murder	1	2	1	1	3	1
Culpable homicide	2	2	1	2	3	2
Grievous hurt	26	27	26	22	14	16
Hurt	180	162	146	158	142	117
Hurt with dangerous weapon ...	94	72	90	72	36	29
Total ...	308	277	268	264	204	174

Fourteen cases of murder or attempt to murder were reported in the year 1893, of which 10 were brought to trial and the rest struck off. Of the four cases struck off one was an attempt at murder in which the accused committed suicide. One hundred and sixty-two "simple hurt cases" were reported during the year, in which 117 persons were convicted by the Magistrates.

There were also 72 cases of hurt with dangerous weapons reported and brought to trial and 29 persons were convicted.

18. The following table shows the number of offences against property with violence as compared with the previous year:—

Nature of offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1892.	1893.	1892.	1893.	1892.	1893.
Dacoity	2	2	1	2	3	4
Robbery	16	11	13	9	18	9
Extortion	8	6	8	5	2	6
Total ...	26	19	22	16	23	19

Dacoity cases brought to trial have increased by one during the year under report. One case happened at the Pegu side of the Rangoon river but was transferred to this district; the other at Lower Pazundaung in which four accused were committed to Sessions and were acquitted. The number of robbery cases reported was 11, of which two were struck off as false.

19. The following table shows the number of cases against property without violence as compared with the previous year:—

Offence.	Number of cases reported.		Number of cases brought to trial.		Persons convicted or committed.	
	1892.	1893.	1892.	1893.	1892.	1893.
Housebreaking with theft ...	28	41	28	25	17	27
Theft	1,314	1,257	878	918	691	703
Receiving stolen property ...	31	13	31	13	33	15
Total ...	1,373	1,311	937	956	741	745

The District Magistrate observes that it is satisfactory that while the number of thefts reported has fallen off, the number of cases in which persons were brought to trial and the number of persons convicted have increased. He states that the police have been patrolling more regularly and the improvement is in some measure due to this. But as I have pointed out in para. 14, 1893 is the third highest year during the past 7 years.

20. The following table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year:—

Class of tribunal.	Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial	
							In custody.	On bail or recognizance.
District Magistrate	116	...	26	87	3	...	...	...
Assistant Magistrate	3,921	...	1,514	2,221	29	2	20	135
Junior Assistant Magistrate ...	2,271	...	685	1,545	28	4	...	9
Cantonment Magistrate	1,424	...	435	985	...	...	...	4
Honorary Magistrates	8,971	...	2,403	6,526	...	...	...	42
Total ...	16,703	...	5,063	11,364	60	6	20	190

The District Magistrate observes that notwithstanding the increase from year to year of cases brought to trial the Magistrates have disposed of them promptly. The number of persons under trial at the close of the year was less than at the close of the year 1892.

21. The following table shows the punishments inflicted by different Magistrates :—

Class of tribunal.	Persons sentenced to					Persons ordered		Amount of fine		
	Solitary confinement.	Imprisonment. Simple.	Imprisonment. Rigorous.	Fine.	Whipping.	To give recognizance or security to keep the peace.	To give security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
								Rs. A. P.	Rs. A. P.	Rs. A. P.
District Magistrate	6	...	52	26	15	...	...	2,235 0 0	640 2 4	167 2 4
Assistant Magistrate	35	39	377	1,564	264	4	44	23,280 15 3	19,550 0 2	100 0 0
Junior Assistant Magistrate ...	33	15	237	1,095	195	5	39	18,416 12 0	15,582 4 0	80 0 0
Cantonment Magistrate	...	6	5	974	.	...	...	3,208 8 0	3,176 8 0	60 0 0
Honorary Magistrates	...	...	3	6,523	...	...	...	20,586 4 0	17,522 6 6	165 0 0
Total ...	74	60	674	10,182	474	9	83	67,727 7 3	56,471 5 0	572 2 4

The District Magistrate states there is a considerable increase in the number of persons required to give security for their good behaviour, and yet the number of cases in which persons were discharged without being required to give security was far too large.

22. The following table shows the detention of witnesses and the average duration of cases —

Class of tribunal.	Number of witnesses discharged after				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
District Magistrate	349	65	...	...	6	1
Assistant Magistrate	2,786	2,583	676	491	8	10
Junior Assistant Magistrate ...	2,983	361	129	146	10	9
Cantonment Magistrate ...	980	213	49	13	3	5
Honorary Magistrates	5,749	315	96	55	2	2
Total	12,847	3,537	950	705	4	5

23. The following is the statement of shipping casualties investigated by order of the Chief Commissioner under Act V of 1883 and Act VIII of 1883 and rules framed thereunder :—

No.	Subject.
7	Relative to the grounding of the S. S. *Shropshire*.
9	Relative to the grounding of the S. S. *Fitzpatrick*.
11	Enquiry into the misconduct of Mr. W. R. McCann, Licensed Pilot.
14	Enquiry into certain charges of misconduct against Mr. E. M. Simmonds, 1st grade Pilot.
17	Relative to the collision between *Robert Rickmers* and *Alcoyne*.
26	Relative to the collision between *Cornuria* and pilot brig *Guide*.

There were 6 cases in the year under report against 7 in the previous year.

24. The following statement shows the Magistrates who have acted in the Rangoon Town district during the year 1893 :—

Name.	Designation.	Remarks.
A. L. Hough, Esq	District Magistrate ...	From 1st January to 12th June 1893.
A. S. Fleming, Esq., I.C.S. ...	Ditto	From 13th June to 23rd November 1893.
W. T. Hall, Esq., I.C.S. ...	Ditto	From 24th November to the end of the year.
A. Gaitskell, Esq., I.C.S. ...	Assistant Magistrate ...	From 1st January to 1st April 1893
R. C. M. Symns, Esq., I.C.S. ...	Ditto	From 2nd April to 3rd July and from 12th August to 1st November 1893.
Lieut. C. Onslow Reid, I.S.C. ...	Ditto	From 4th July to 11th August 1893.
D. Ross, Esq., I.C.S. ...	Ditto	From 2nd November to the end of the year.
Captain H. Thornton ...	Cantonment Magistrate ...	From 1st January to 20th April 1893.
Lieut. C. B. H. Connell	Ditto	From 21st April to 20th July 1893.
R. Parry, Esq., I.C.S. ...	Ditto	From 21st July to 1st August 1893.
Captain H. Acton	Ditto	From 2nd August to the end of the year.
Maung Paw Tun	Junior Assistant Magistrate ...	All through the year.
Fourteen Honorary Magistrates ...	.....	Ditto.

25. *General remarks.*—There have been four changes in the appointment of Assistant Magistrate during the year. This Magistrate has a great deal of work to do and it is undesirable that he should be so constantly changed. It would be much more satisfactory if an officer of standing and experience were appointed to this post and kept permanently. In the Presidency towns the Presidency Magistrates are never moved in this way, and although the Presidency Act is not in force here it would be greatly to the advantage of the criminal administration of Rangoon if the appointment were made fairly permanent as in the case of the Junior Assistant Magistrate. Under the present system as soon as an Assistant Magistrate begins to get acquainted with the work, the criminal classes, their witnesses and the police, he is moved away and a new man with his experience to gain is appointed. This is a serious drawback. The number of appeals and criminal revisions would probably drop off considerably if the Assistant Magistrate were a man of standing and local experience.

RANGOON :
The 2nd May 1894.

R. S. T. MACEWEN,
Offg. Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From H. F. ASTON, Esq., Officiating Judicial Commissioner, Lower Burma, to the Secretary to the Chief Commissioner, Burma,—No. 37-37, dated the 6th June 1894.

I HAVE the honour to submit the Criminal Justice Returns of Lower Burma for the year 1893. The prescribed statements include as in previous years the district of Rangoon, but the tables entered in the report relate only to the districts subordinate to the Judicial Commissioner.

2. The total number of offences reported and the total number of offences returned as true as compared with the figures for the previous year are shown below.

Division.	Name of district.	Cases reported.		Cases rejected under section 203 of the Criminal Procedure Code.		Cases declared false or not entered as true.		True cases.		Percentage of true to reported cases.	
		1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.
ARAKAN	Akyab	2,529	2,989	58	63	473	530	1,998	2,396	79·00	80·16
	Kyaukpyu	997	1,049	24	35	12	8	961	1,006	96·39	95·90
	Sandoway	802	690	6	5	4	6	792	679	98·75	98·41
	Northern Arakan	39	24	1	...	2	1	36	23	92·31	95·83
	Total ...	4,367	4,752	89	103	491	545	3,787	4,104	86·72	86·36
PEGU	Hanthawaddy	1,905	1,822	11	18	17	13	1,877	1,791	98·53	98·30
	Pegu	2,174	2,231	18	20	26	9	2,130	2,202	97·98	98·70
	Tharrawaddy	2,901	3,721	57	19	43	57	2,801	3,645	96·55	97·96
	Prome	4,691	3,921	13	28	19	27	4,659	3,866	99·32	98·60
	Total ...	11,671	11,695	99	85	105	106	11,467	11,504	98·25	98·37
IRRAWADDY	Henzada	3,381	4,088	65	69	84	57	3,232	3,962	95·59	96·92
	Bassein	3,499	4,355	61	16	73	91	3,365	4,248	96·17	97·54
	Thôngwa	3,072	3,085	32	29	7	59	3,033	2,997	98·73	97·15
	Wakêma	...	218	...	...	...	5	...	213	...	97·71
	Total ...	9,952	11,746	158	114	164	212	9,630	11,420	96·76	97·22
TENASSERIM	Amherst	4,228	4,295	181	116	302	109	3,745	4,070	88·58	94·76
	Shwegyin	1,720	1,901	18	12	59	35	1,643	1,854	95·52	97·53
	Toungoo	1,506	1,261	2	6	40	24	1,464	1,231	97·21	97·62
	Tavoy	606	633	7	4	36	46	563	583	92·90	92·10
	Mergui	408	386	6	5	16	5	386	376	94·61	97·41
	Salween	99	63	3	2	12	9	84	52	84·85	82·54
	Total ...	8,567	8,539	217	145	465	228	7,885	8,166	92·04	95·63
SOUTHERN	Thayetmyo	2,095	1,980	24	20	10	10	2,061	1,950	98·38	98·48
	GRAND TOTAL ...	36,652	38,712	587	467	1,235	1,101	34,830	37,144	95·03	95·95

The total number of reported offences has increased from 36,652 in 1892 to 38,712 in 1893. The figures dealt with in this report do not include the offences tried by village headmen. Four hundred and sixty-seven cases were rejected under section 203, Code of Criminal Procedure, and 1,101 cases declared false or not entered as true. The balance of true cases was 37,144 as compared with 34,830 in the previous year. The percentage of true to reported cases, namely, 95·95, shows little material variation from that of 1892. Akyab is still remarkable

as showing the largest number of false cases and the lowest percentage of true cases.

3. Increased attention has been paid to the work of reconciling the Judicial and Police returns. As a consequence of this, however, the reports of some districts were delayed.

The District Magistrate, Tharrawaddy, reporting for his district says that at the end of January a very large number of police reports under section 173, Code of Criminal Procedure, had not been received in the Police Office, and until the final reports are received the check register column "Cases returned as true" cannot all be compared. The District Magistrates, Akyab, Shwegyin, and Bassein, report the same delay; and if complete agreement is to be secured, or at any rate the discrepancies between the two returns satisfactorily explained, District Magistrates will require another month at least for the submission of their reports.

A closer agreement between the two returns is reported, but the initial difficulty that can hardly be overcome lies in the diffierent modes of classification between the Judicial and Police returns. This difference has been brought to notice in past years and discrepancies must always exist so long as the two sets of returns are required for wholly distinct purposes. The Police returns appear to be intended to show the state of the country as regards crime and the efficiency of the police, while the Judicial returns show the number of complaints made and cases brought before the courts upon complaint and Police reports and how the cases and complaints are disposed of by the courts. As remarked by the District Magistrate, Tharrawaddy—

"Even if all final reports are in, the returns cannot be made to agree completely without some fudging so long as the two sets of returns are compiled on such radically different lines as at present."

The District Magistrate, Toungoo, commenting on the discrepancy between his figures for murder and dacoity and those of the police returns states that it is due to two causes (1) the fact that cases reported (by the police) in the previous year and dealt within that of report are excluded from the latter and included by him, and (2) the different system of classification or grouping adopted in Police Statement A and Judicial Statement II.

He remarks—

"Thus we show 6 murders (including 1 reported in 1892) against 5 'Other murders' shown by the police. The 2 'murders by dacoits' shown in the police returns are shown here as 'dacoities,' and with two cases reported in 1892 and one case of preparation for dacoity raise the judicial figures for the latter crime to 7 instead of 2 as shown by the police Neither system of classification would seem to be perfect. The method adopted by the police enables the Superintendent to congratulate himself on the fact that dacoities have been reduced to 2, while the actual number is 4, of which the two worst are catalogued under another head. In the judicial returns the two crimes are rightly, as it seems to me, shown as 'dacoities,' but the fact that murder was committed is lost sight of, and the tale of murders reported is under the real mark. If there were a separate heading for 'Dacoities with murder' (not 'Murder by dacoits') one cause of discrepancy would be removed."

Toungoo probably is not the only district which has shown as a new case one already reported by the police, but brought to trial during the year. An error of this kind would no doubt be still further augmented in the case of an old reported offence in which several accused were involved, one or more of whom abscond and are subsequently discovered, and singly brought to trial. The cases of cattle-theft for instance shown in excess in the judicial returns are probably due to this error.

Besides the two causes of discrepancy mentioned by the District Magistrate, Toungoo, may be mentioned a third, namely, the inclusion in the judicial returns of cases reported by the police which come before a court for enquiry or trial, although they may turn out to be no cases and may by order of the District Magistrate eventually be struck off from the police register and returns.

The above remarks were written before the receipt of Judicial Department No. 511-5C.—19, dated the 25th May 1894, conveying the most recent instructions regarding the preparation of judicial and police statistics of crime.

4. The following table shows true offences reported under each class in the year 1893 as compared with the previous year :—

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by, or relating to, public servants, Chapter IX	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			Offences under the Indian Penal Code.																			
Arakan.	Akyab	1892	...	...	9	9	24	27		3	61	1	541	628	...	...	10	7	76	602	1,998	
		1893	...	...	21	5	37	59	1	...	61	1	559	643	4	2	11	6	92	894	2,396	
	Kyaukpyu	1892	...	...	6	4	10	18		...	35	1	153	317	...	...	7	2	42	366	961	
		1893	...	...	7	1	15	16	...	...	28	3	137	377	1	3	5	1	56	356	1,006	
	Sandoway	1892	...	...	...	2	5	14	...	1	26		144	339	1	...	1	1	45	213	792	
		1893	...	...	...	1	2	15	1	...	17	...	119	298	...	2	3	1	32	188	679	
	Northern Arakan	1892	...	...	...	2	...	...	...	...	...	...	10	13	...	...	1	1	1	8	36	
		1893	.	...	..	...	1	..	...	...		...	3	10	...	...	...	...	2	7	23	
	Total ...	1892	..		15	17	39	59	...	4	122	2	848	1,297	1	...	19	11	164	1,189	3,787	
		1893	...	...	28	7	55	96	2	...	106	4	818	1,328	5	7	19	8	182	1,445	4,104	
Pegu.	Hanthawaddy...	1892	...	...	13	6	4	21	1	...	36	3	344	767	...	1	8	5	165	503	1,877	
		1893	...	...	17	2	11	25	...	2	39	4	306	865	1	...	7	3	117	392	1,791	
	Pegu	1892		...	22	10	5	63	5	1	48	4	359	721	2	...	19	4	42	825	2,130	
		1893	...	...	15	9	5	32	...	1	57	4	451	966	...	1	17	2	41	601	2,202	
	Tharrawaddy	1892	...	...	34	16	7	62	7	...	71	2	409	1,220	6	...	12	4	35	916	2,801	
		1893	1	1	39	13	7	77	8	1	146	5	476	1,380	1	...	24	6	69	1,391	3,645	
	Prome	1892	.	...	47	12	45	164	2	11	152	2	505	1,824	4	...	17	3	125	1,746	4,659	
		1893	.	..	27	6	14	164	...	12	231	2	530	1,403	...	..	15	3	130	1,329	3,866	
	Total ...	1892	...	...	116	44	61	310	15	12	307	11	1,617	4,532	12	1	56	16	367	3,990	11,467	
		1893	1	1	98	30	37	298	8	16	473	15	1,763	4,614	2	1	63	14	357	3,713	11,504	
Irrawaddy.	Henzada	1892	...	...	37	17	9	31	4	4	93	2	418	1,316	...	...	10	1	205	1,085	3,232	
		1893	1	..	42	13	20	46	3	13	137	...	465	1,749	1	...	8	8	176	1,280	3,962	
	Bassein	1892	...	...	21	3	8	55	1	3	91	10	553	1,394	2	...	15	11	206	992	3,365	
		1893	..	2	20	34	7	53	10	2	172	12	678	1,847	...	...	14	13	246	1,138	4,248	

Division.	Name of district.	Year.	Offences against the State, Chapter VI	Offences against the Army and Navy, Chapter VII	Offences against the public tranquillity, Chapter VIII	Offences by, or relating to, public servants, Chapter IX	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported	Remarks.
			Offences under the Indian Penal Code																			
Irrawaddy—concld.	Thôngwa	1892	...	...	39	14	42	44	9	1	68	6	600	1,086	1	.	14	10	155	944	3,033	
		1893	...	..	25	21	18	76	4	2	55	4	588	1,203	5		17	12	170	797	2,997	
	Wakèma	1892	...		...	...	...	..	...	..	...	...	...	...	...	...	...	...	...	.		
		1893	...	..	1	2	...	7	1	...	3	1	21	59	...	...	2	...	12	104	213	
	Total	1892	...	...	97	34	59	130	14	8	252	18	1,571	3,796	3	...	39	22	566	3,021	9,630	
		1893	1	2	88	70	45	182	18	17	367	17	1,752	4,858	6	.	41	33	604	3,319	11,420	
Tenasserim.	Amherst	1892	...		5	4	21	24	4	1	58	2	627	668	..	...	12	27	193	2,079	3,745	
		1893	...	..	31	9	16	39	4	6	91	2	650	1,208	5	..	23	4	158	1,824	4,070	
	Shwegyin	1892	...	..	17	6	16	22	..	1	47	3	293	746	2	1	17	.	105	367	1,643	
		1893	...	.	31	4	11	32	1	1	39	3	291	785	1	1	19	17	129	489	1,854	
	Toungoo	1892	...	...	5	2	4	22	...	...	27	1	179	708	2	7	5	23	88	399	1,464	
		1893	..	.	7	2	2	9	1	...	34	4	242	538	2	2	6	6	54	322	1,231	
	Tavoy	1892	.	...	4	1	8	6	...	..	18	...	106	176	1	1	4	2	40	196	563	
		1893	...	...	1	...	1	13		1	34		117	222	3	..	2	2	46	141	583	
	Mergui	1892	..	...	5	...	2	2	...	...	9	..	84	139	...	..	.	.	11	134	386	
		1893	..	..	6	2	2	3	..	...	2	1	86	140	...	...	1	..	17	116	376	
	Salween	1892	...	..	...	1	1	..	...	.	1	...	9	54	..	...	1	1	8	8	84	
		1893	..	..	..	.	...	1	...	...		...	4	41	.	..	1	1	1	3	52	
	Total	1892	.	..	36	14	52	76	4	2	100	6	1,298	2,491	5	9	59	53	437	3,183	7,885	
		1893		.	76	17	32	97	6	8	200	10	1,390	2,934	11	3	52	30	405	2,895	8,166	
Southern	Thayetmyo	1892	..	.	7	4	3	46	2	...	40	3	224	1,250	2	..	2	3	21	454	2,061	
		1893	...	...	9	2	4	58	2	...	57	1	217	967	2	...	5	12	39	575	1,950	
	Grand Total	1892	.		271	113	214	621	35	26	881	40	5,558	13,366	23	10	175	105	1,555	11,837	34,830	
		1893	2	3	299	126	173	725	36	41	1,203	47	5,940	14,701	26	11	180	97	1,587	11,947	37,144	
	Increase		2	3	28	13	..	104	1	15	322	7	382	1,335	3	1	5	.	32	110	2,314	
	Decrease		..		..	...	41	...	..	...	..	..	...	.	...	...	..	8		...	...	

It will be observed that there has been an increase of 2,204 true cases under the Indian Penal Code and of 110 such cases under special and local laws.

Offences against property show a rise of 1,335 cases, offences affecting the person a rise of 382 cases, offences affecting the public health, safety, and morals a rise of 322 cases, and false evidence and offences against public justice a rise of 104 cases. The rise under other heads is slight. Contempt of lawful authority and cases of defamation alone show a slight fall.

Akyab, Tharrawaddy, Henzada, and Bassein show a noticeable increase in offences under special and local laws, while Pegu, Prome, Amherst, and Thôngwa show a noticeable decrease in such cases. In Bassein the increase is ascribed to increased energy in working the Excise, Opium, and Fisheries Acts, and to the large increase of prosecutions for cultivating in reserved grazing-grounds. In Tharrawaddy it is contributed mainly by prosecutions under the Excise, Opium, and Police Acts, and in Henzada it is accounted for by the number of increased prosecutions under the Embankments Act. The District Magistrate of Thôngwa mentions the inadequacy of the police to cope with general crime as the reason for the decrease in prosecutions of offences under this head. In Moulmein town the large decrease in prosecutions under the Police Act and Municipal Acts and Rules is not explained. The decrease in Prome is also not explained.

False evidence and offences against public justice show a marked rise in Akyab and Thôngwa and a marked fall in Pegu. Prome maintained the largest number of such cases as in the previous year.

The Deputy Commissioner, Akyab, remarking on the increase in his district, explains that it is due to more prosecutions ordered by his predecessor, who from time to time urged on the Magistrates that prosecutions should be instituted more carefully. The Deputy Commissioner, Thôngwa, explains that the number is apt to vary according to the belief of officers as to the possibility of checking false evidence by prosecutions. The Deputy Commissioner, Prome, makes the following remarks :—

"False evidence is increasing; and the people seem to be getting more reckless in their statements and more attempts are made to get up *alibis*. A plea of guilty is nothing like as frequent as formerly, and if made in one court is generally withdrawn in the next court. Appellants frequently in their appeals from the jail make glaringly false statements such as their witnesses not being examined, &c., the record showing that they declined to show any, and so on. The Burmans are certainly not getting more truthful."

The District Magistrate, Tavoy, reports :—

"The cases of false evidence were those in which offenders made one statement to the police at the investigation and another, and totally different one, before the trying Magistrate There is little doubt that the witnesses in many cases are got at on their arrival in Tavoy on a case being sent up for trial and are bought over by the friends of an offender with the object of upsetting the case against the accused In every case during the year where such instances have been found the offender has been sent up for trial."

There is another view of the matter here referred to, and I have recently had occasion to issue a ruling with the object of discouraging courts from sanctioning such prosecutions *merely* upon the ground that the evidence given by a witness in court contradicts what he told the police, when there is nothing to show that the witness is not changing from falsehood to truth. The great powers vested in courts, and the great responsibility laid upon them to use all available and proper means to ascertain the truth before judicial powers are exercised, makes it of paramount importance that witnesses should not be discouraged by Courts of Justice from reverting to the truth by fear of a prosecution, merely because they contradict what they have falsely told the police. Subject to these remarks I think that the development of perjury in courts, indicated in the reports quoted, is a matter which should never be treated with indifference; every well directed effort to cope with so grave an evil should be encouraged because the efficiency of the courts and confidence in their administration of justice must be impaired in proportion as flagrant perjury committed with impunity is allowed to increase.

The comment of the District Magistrate, Tharrawaddy, pointing out as he does a defect in the system of recording judicial statistics suggests an explanation for the rise in offences against public justice. He says :—

"The heading false evidence and offences against public justice is somewhat misleading, for I think the bulk of the offences under this head are cases of *pyan pe, i e*, stealing a bullock and hiding it in the jungle till the owner pays ransom. When the ransom is paid very soon after the theft the offender is usually convicted of theft, but otherwise, or if the person who receives the money does not himself return the animal, he is usually convicted under section 215 and the theft is not entered in the returns. This defect in the system of recording statistics applies to receiving stolen property. The real thief may for obvious reasons be convicted of receiving only, or the receiver may be convicted and the thief not found. In either case under standing orders the minor offence is entered, and the theft is not entered at all, although it was reported and the report was true"

Of offences affecting the public health, decency, and morals the most noticeable increase (as well as the largest numbers) will be found in Prome, Bassein, Tharrawaddy, and Henzada. Increased prosecutions under section 294 largely account for the increase. The District Magistrate of Tharrawaddy who noticed the large number of these cases of obscene language reported to the police instructed them that they should usually refuse to investigate such cases under section 157, proviso (*b*), Criminal Procedure Code, as they had plenty to do in dealing with serious crime. His example might advantageously be followed by other District Magistrates. He reports that many complaints of obscene language have been tried by ywathugyis notwithstanding that they are not empowered. The question of empowering ywathugyis to try such cases in order to relieve overworked Magistrates was raised in 1891, but the initial difficulty in the way lay in the fact that only a Magistrate of the first or second class can try such cases. There would be little objection perhaps to cases of insult being tried by ywathugyis, and most of the cases of obscene language will be found in reality to resolve themselves into cases of insult.

The following districts show the largest number of offences against the person, Akyab (559) Bassein (678), Amherst (650), Thôngwa (588), Prome (530), Tharrawaddy (476). Most districts show a slight increase in this class of offences except the following districts which show more or less a slight fall: Kyaukpyu, Sandoway, Northern Arakan, Hanthawaddy, Thôngwa, Salween, Thayetmyo, and Shwegyin.

The following districts show the largest number of offences against property: Bassein (1,847), Henzada (1,749), Prome (1,403), Tharrawaddy (1,380), Amherst (1,208), Thôngwa (1,203). The largest rise in this class of offences is shown by Amherst, Bassein, Henzada, Pegu, Tharrawaddy, and Thôngwa.

*Including Moulmein.

5. The annexed tables show in a collected form the principal offences against the person and against property for the two past years.—

Offences affecting the Human Body.

Offences.	Reported cases.		True cases.	
	1892.	1893	1892.	1893.
Murder	180	154	175	152
Attempt at murder	15	9	13	9
Culpable homicide	33	44	31	43
Attempt at culpable homicide	...	2	...	1
Grievous hurt	489	568	469	557
Rape	146	179	108	129
Unnatural offences	26	14	21	9
Hurt	2,110	2,304	2,032	2,255
Criminal force and assault	2,524	2,655	2,384	2,522

Offences against Property.

Offences.	Reported cases.		True cases.	
	1892.	1893.	1892.	1893.
Dacoity	249	192	236	173
Robbery, including attempts	257	299	224	254
Housebreaking and lurking house-trespass	1,016	1,236	980	1,197
Other house-trespass	553	585	502	531
Criminal trespass	525	519	450	467
Cattle-theft	2,433	2,488	2,305	2,417
Other thefts and receiving stolen property	7,669	8,380	7,177	7,946

It will be seen that while murders (including attempts) have decreased by 26 cases, culpable homicide (including attempts) have increased by 13 cases. Grievous hurt has risen by 90 cases, simple hurt by 223 cases, and criminal force and assault by 138 cases. Unnatural offences have diminished by 12 cases, but rape has increased by 21 cases.

6. The number of principal offences against the person reported as true since 1884 is shown below.

Offences.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.
Murder, including attempts.	162	150	257	203	191	205	131	134	187	161
Culpable homicide not amounting to murder, including attempts.	36	37	32	44	38	28	32	36	31	44
Grievous hurt ...	301	316	341	354	362	457	470	419	467	557
Rape and unnatural offences.	109	92	115	133	113	120	135	128	129	138
Hurt ...	1,720	1,618	1,165	1,524	1,698	1,893	1,767	1,988	2,062	2,265
Criminal force and assault.	2,705	2,649	2,713	2,624	2,798	2,884	2,779	2,655	2,384	2,522

While a reduction is shown of dacoity by 63 cases, the number of robberies have risen by 30 cases. Housebreaking and other house-trespass have increased by 217 and 29 cases respectively, and criminal trespass by 17 cases, cattle-thefts and other thefts have also increased by 112 and 769 cases respectively.

7. The number of cases of robbery, dacoity, and cattle-theft reported as true since 1884 is as follows:—

Offences.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.
Dacoity ...	120	125	2,156	1,529	904	538	230	161	236	173
Robbery ...	194	204	585	517	515	333	249	226	224	254
Cattle-theft ...	1,335	1,364	1,420	2,000	2,389	2,698	2,008	2,080	2,305	2,417

The following table gives the three forms of crime for each district for the past two years:—

District.		Dacoity.		Robbery, including attempts.		Cattle-theft.	
		1892.	1893.	1892.	1893.	1892.	1893.
Arakan ...	Akyab	15	5	7	6	66	43
	Kyaukpyu	6	3	4	7	3	11
	Sandoway	1	6	2	9	2	2
	Northern Arakan ...	...	...	...	...	...	...
Pegu ...	Hanthawaddy	15	13	17	21	195	218
	Prome	11	13	22	12	493	455
	Tharrawaddy	8	13	27	26	268	381
	Pegu	12	23	24	25	181	226
Irrawaddy.	Thongwa	29	38	27	40	57	64
	Henzada	16	12	22	23	153	77
	Bassein	34	15	21	37	114	30
	Wakema	...	1	...	2	...	2
Tenasserim.	Amherst	39	4	8	15	120	89
	Toungoo	13	6	13	4	97	89
	Shwegyin	11	1	9	8	88	00
	Tavoy	...	1	1	2	2	6
	Mergui	1	1	...	...	4	...
	Salween	...	...	2	1	16	15
Southern Division.	Thayetmyo	25	18	18	16	146	18

It will be observed that the most considerable number of dacoities occurred in the Thôngwa, Pegu, and Thayetmyo districts during the year under review. Bassein, Hanthawaddy, Prome, and Tharrawaddy also show high figures. There was a decrease in Amherst* of 35 cases, in Bassein of 19 cases, and in Akyab and Shwegyin of 10 cases each, while there was an increase in Tharrawaddy Pegu, Thôngwa, and Sandoway of 5, 11, 9, and 5 cases respectively.

Including Moulmein.

The largest number of robberies occurred in Thôngwa, Bassein, Tharrawaddy, Pegu, Henzada, and Hanthawaddy. There is a decrease shown in Prome of 10 cases and in Toungoo of 9 cases, but an increase is shown in Bassein of 16 and in Thôngwa of 13 cases.

Cattle-thefts were most numerous in Prome, Tharrawaddy, Thayetmyo, Pegu, and Hanthawaddy. A decrease is shown in Thayetmyo of 128, in Prome of 38, and in Akyab of 23 such cases, while Tharrawaddy shows an increase of 113, Amherst of 60, Pegu, Henzada, and Bassein of 45, 24, and 16 such cases respectively. Hanthawaddy also shows an increase of 23 cases.

In view of the remark made in the Chief Commissioner's Resolution on the Criminal Justice Report for 1892, a discussion of the causes of the increase and decrease of these forms of crime and their local distribution is not here attempted.

8. The following table shows the effective strength of the Magistracy in each district at the close of the year :—

Number and Distribution of Magistrates.

Division.	Name of district.	At district headquarters. Stipendiary Magistrates. First class, including District Magistrates.	Second class.	Third class.	Total.	Honorary Magistrates sitting singly and Special Magistrates under section 14, Criminal Procedure Code.	Benches of Honorary Magistrates.	At subdivisional headquarters other than headquarters of district. Stipendiary Magistrates. First class.	Second class.	Third class.	Total.	Honorary Magistrates sitting singly and Special Magistrates under section 14, Criminal Procedure Code.	Benches of Honorary Magistrates.	At township headquarters other than headquarters of district or subdivision. Stipendiary Magistrates. First class.	Second class.	Third class.	Total.	Honorary Magistrates sitting singly and Special Magistrates under section 14, Criminal Procedure Code.	Benches of Honorary Magistrates.
Arakan	Akyab ..	3	2	1	6	...	1	2	2	..	4			1	4	..	5		...
	Kyaukpyu ...	2	..	1	3	...	1	...	...	...	...	...		1	2	1	4	...	1
	Sandoway ...	2		...	2	...	...	...	...	...	...	...	...	1	1	..	2	..	...
	Northern Arakan ...	1	.	...	1	...	..	...	...	...	...	.	...	..	...	...	...		...
	Total ...	8	2	2	12		2	2	2	1	4	...	...	3	7	1	11	...	1
Pegu	Hanthawaddy ...	1	1	..	2	...		2	..	...	2	.		1	2	...	3	...	...
	Pegu ..	2	1	...	3	...	1	1	1	...	2	...	...	1	3	..	4	...	...
	Tharrawaddy .	2	1	...	3	...	..	1	..	..	1	.	...	4	.	2	6	...	..
	Prome .	2	1	...	3	...	1	2	2	..	4	...	...	2	2	..	4	..	...
	Total ...	7	4	...	11	...	2	6	3	...	9	.	..	8	7	2	17	3	...
Irrawaddy	Henzada ...	3	...	1	4	...	1	1	...	...	1	...	...	3	2	...	5	...	...
	Bassein ...	4	...	...	4	...	1	2	...	...	2	...	...	1	4	2	7	..	..
	Thôngwa ..	2	2	...	4	.	...	2	2	.	4	...	...	2	2	2	6	..	1
	Wakema ...	3	1	...	4	.	...	1	1	1	2	...	...	...	1	1	2	..	...
	Total ...	12	3	1	16	...	2	6	2	1	9	..	...	6	9	5	20	..	1
Tenasserim	Amherst ...	5	2	1	8	1	1	3	.	1	4	...	...	2	4	3	9	...	
	Shwegyin .	3		..	3	...	1	3	1	...	4	...	...	..	2	...	2	...	...
	Toungoo ...	2	1	...	3	...	1	..	...	1	1	...	...	1	1	2	4	1	...
	Tavoy ...	1	2	..	3	...	1	...	...	...	...	...	...	..	...	3	3	..	.
	Mergui ..	1		1	2	...	...	1		...	1	...	...	...	1	2	3	...	...
	Salween ...	1	...	1	2	...	...	.	...	..	...	...	.	...	...		..	...	...
	Total	13	5	3	21	1	4	7	1	2	10	...	...	3	8	10	21	1	...
Southern	Thayetmyo ...	2	...	2	4	..	...	2	2	...	4	..	...	2	1	1	4	1	...
	Grand Total ...	42	14	8	64	1	10	23	10	3	36	...	...	22	32	19	73	5	2

The strength of the staff of Stipendiary Magistrates was increased by 13 towards the end of the year. The newly formed district of Wakèma absorbed 8, the remainder being posted at Subdivisional and District Headquarters. The need for strengthening the staff, or otherwise raising its efficiency at certain outlying subdivisions and elsewhere has been expressed by certain District Magistrates in their annual reports, but this is a matter which does not need discussion here.

During the year the Bench of Honorary Magistrates in the Amherst district was abolished. The number of Honorary Magistrates sitting singly was also reduced by one.

9. The following table shows the work done by the different classes of Magistrates and to what extent Magistrates used their summary powers:—

Cases disposed of by Magistrates under Summary Powers.

Division.	Name of district.	Total cases tried by Stipendiary and Honorary Magistrates.			Number of cases tried summarily.			Percentage of cases tried summarily to total cases tried.
		By Magistrate of district.	By other Magistrates.	Total.	By Magistrate of district.	By other Magistrates.	Total.	
Arakan.	Akyab	27	2,015	2,042	1	326	327	16·01
	Kyaukpyu	128	721	849	28	60	88	10·37
	Sandoway	54	457	511	11	...	11	2·15
	Northern Arakan	22	...	22	4	...	4	18·18
	Total ...	231	3,193	3,424	44	386	430	12·56
Pegu.	Hanthawaddy	120	1,333	1,453	5	57	62	4·27
	Pegu	63	1,707	1,770	11	256	267	15·08
	Tharrawaddy	89	3,130	3,219	...	601	601	18·67
	Prome	159	3,059	3,218	5	699	704	21·88
	Total ...	431	9,229	9,660	21	1,613	1,634	16·92
Irrawaddy.	Henzada	137	2,985	3,122	...	593	593	18·99
	Bassein	76	3,301	3,377	5	248	253	7·49
	Thôngwa	29	2,546	2,575	4	390	394	15·30
	Wakèma	7	192	199	1	10	11	5·53
	Total ...	249	9,024	9,273	10	1,241	1,251	13·49
Tenasserim.	Amherst	42	3,346	3,388	12	1,004	1,016	29·99
	Shwegyin	60	1,404	1,464	8	153	161	10·99
	Toungoo	103	854	957	10	108	118	12·33
	Tavoy	110	419	529	2	45	47	8·88
	Mergui	96	206	302	40	...	40	13·25
	Salween	25	4	29	5	...	5	17·24
	Total ...	436	6,233	6,669	77	1,310	1,387	20·80
Southern.	Thayetmyo	29	1,403	1,432	...	12	12	·84
	Grand Total ...	1,376	29,082	30,458	152	4,562	4,714	15·48.

Of a total of 30,458 cases 1,376 were tried by District Magistrates. As a rule fewer cases were tried during the year by them than in the previous year, the exceptions being in the following districts: Akyab, Kyaukpyu, Bassein, Northern Arakan, Pegu, Toungoo, and Henzada. In the last-mentioned district there was a very marked increase in the number of cases tried by the District Magistrate.

10. The following table shows the number of cases and persons disposed of by District Magistrates in the last two years under their special powers :—

Division.	Name of district.	Number of cases disposed of		Number of persons disposed of	
		Last year.	Previous year.	Last year.	Previous year.
Arakan ...	Akyab	21	25	27	33
	Kyaukpyu	30	16	36	19
	Sandoway	3	4	6	4
	Northern Arakan	1	...	1	...
	Total ...	55	45	70	56
Pegu ...	Hanthawaddy	41	29	59	45
	Pegu	33	42	44	85
	Tharrawaddy	32	20	45	45
	Prome	25	47	31	51
	Total ...	131	138	179	226
Irrawaddy ...	Henzada	18	14	27	31
	Bassein	24	3	34	6
	Thôngwa	19	26	51	62
	Wakèma	1	...	3	...
	Total ...	62	43	115	99
Tenasserim ...	Amherst	12	25	29	38
	Shwegyin	21	21	35	44
	Toungoo	11	5	14	11
	Tavoy	14	5	22	7
	Mergui	2	...	2	...
	Salween	1	...	1	...
	Total ...	61	56	103	100
Southern ...	Thayetmyo	11	6	14	6
	Grand Total ...	320	288	481	487
	Percentage to total disposed of by all Magistrates.	1·05	·97	·93	·94

Three hundred and twenty cases were disposed of by District Magistrates under their special powers against 288 cases so disposed of in 1892.

The percentage of cases tried summarily has risen from 13·99 to 15·48. More than half of such cases were tried by Honorary Magistrates.

11. The following table shows the work done by Honorary Magistrates including Benches and Special Magistrates:—

Division.	Name of district.	Cases disposed of in		Persons disposed of in	
		1892	1893.	1892.	1893.
Arakan	Akyab	88	164	110	168
	Kyaukpyu	26	40	39	53
	Sandoway	...	...	...	...
	Northern Arakan	...	...	...	...
	Total ...	114	204	149	221
Pegu	Hanthawaddy	...	...	...	...
	Pegu	437	193	478	243
	Tharrawaddy	...	...	...	...
	Prome	546	494	642	630
	Total ...	983	687	1,120	873
Irrawaddy	Henzada	314	481	686	607
	Bassein	226	325	369	504
	Thôngwa	52	79	70	102
	Wakèma	...	...	...	...
	Total ...	592	885	1,125	1,213
Tenasserim	Amherst	900	735	1,257	885
	Shwegyin	84	62	142	142
	Toungoo	69	155	139	303
	Tavoy	79	45	143	61
	Mergui	...	...	...	...
	Salween	...	...	...	...
	Total ...	1,132	997	1,681	1,391
Southern ...	Thayètmyo	...	17	...	33
	Grand Total ...	2,821	2,790	4,075	3,731
	Percentage to total disposed of by all Magistrates	9·47	9·16	7 88	7 23

Two thousand seven hundred and ninety cases involving 3,731 persons were disposed of by Honorary Magistrates during the year as against 2,821 cases involving 4,075 persons during the previous year.

The work of Honorary Magistrates has fallen off to some extent in Pegu, Moulmein, and Prome, but shows a satisfactory increase in Henzada, Bassein, and Akyab.

Most District Magistrates report the quality of the work done by this class of Magistrates to be satisfactory. The District Magistrate, Bassein, reports that in his district Honorary Magistrates did not try so many cases summarily as they used to. Their decisions were being constantly petitioned against on false grounds which could not be tested by the record framed in a summary trial. Some Honorary Magistrates have consequently preferred to adopt the longer regular mode of trial with the result that petitions against their decisions have decreased in number.

The Deputy Commissioner, Prome, who inspected much of the work done by these Magistrates in his district and finds it fairly well done, complains that their sentences are very often far too light to check some kinds of offences.

12. The following table compares the results of the enquiries and trials before Magistrates during the past two years in the several districts of the province:—

Result of trials and enquiries by Magistrates in each District.

Division.	District.	Persons: Under trial.	Persons: Convicted, committed, or referred.	Persons: Acquitted or discharged.	Persons: Died, escaped, or transferred.	Persons: Pending.	Percentage of convictions, committals, and references (column 4) to total tried (columns 4 & 5): Last year.	Percentage of convictions, committals, and references (column 4) to total tried (columns 4 & 5): Previous year.	Average duration of cases: Last year.	Average duration of cases: Previous year.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12
Arakan.	Akyab	3,406	1,639	1,682	17	78	49·20	52·23	8	7	282 persons whose cases were compounded.
	Kyaukpyu	1,405	900	460	4	41	66·18	60·69	10	7	73 persons whose cases were compounded.
	Sandoway	774	476	283	...	15	62·71	64·17	12	10	47 persons whose cases were compounded.
	Northern Arakan ...	44	20	24	...	...	45·46	66·67	12	14	
	Total ...	5,629	3,035	2,449	21	134	55·26	56·44	9	7	402 persons whose cases were compounded.
Pegu.	Hanthawaddy ...	3,670	1,808	1,726	2	134	51·16	57·38	17	14	201 persons whose cases were compounded.
	Pegu	3,500	1,920	1,244	62	274	60·68	59·34	17	10	146 persons whose cases were compounded.
	Tharrawaddy ...	5,247	3,450	1,715	4	78	66·80	69·42	8	8	71 persons whose cases were compounded.
	Prome	5,089	3,455	1,512	52	70	69·86	70·89	9	9	101 persons whose cases were compounded.
	Total ...	17,506	10,633	6,197	120	556	63·18	65·26	12	10	519 persons whose cases were compounded.
Irrawaddy.	Henzada	5,033	3,095	1,847	13	78	62·62	62·23	7	7	153 persons whose cases were compounded.
	Bassein	6,165	3,175	2,728	103	159	53·78	52·44	9	7	242 persons whose cases were compounded.
	Thôngwa	5,245	2,743	2,342	2	158	53·94	54·98	8	8	184 persons whose cases were compounded.
	Wakèma	350	165	143	...	22	56·40	...	7	...	9 persons whose cases were compounded.
	Total ...	16,793	9,198	7,060	118	417	56·58	56·37	8	7	588 persons whose cases were compounded.
Tenasserim.	Amherst	4,650	2,712	1,820	11	107	59·84	59·31	5	5	105 persons whose cases were compounded.
	Shwegyin	2,911	1,718	1,079	2	112	61·42	65·24	12	14	91 persons whose cases were compounded.
	Toungoo	1,778	1,085	665	1	27	62·00	63·66	12	9	165 persons whose cases were compounded.
	Tavoy	901	568	322	...	11	63·82	60·43	10	10	17 persons whose cases were compounded.
	Mergui	568	367	191	4	6	65·77	68·24	8	9	19 persons whose cases were compounded.
	Salween	37	33	3	1	...	91·67	71·02	11	6	
	Total ...	10,845	6,483	4,080	19	263	61·37	61·92	8	8	337 persons whose cases were compounded.
Southern.	Thayetmyo	2,519	1,586	880	9	44	64·31	61·56	11	11	67 persons whose cases were compounded.
	Grand Total ...	53,292	30,935	20,666	287	1,414	59·94	...	9	...	1,913 persons whose cases were compounded.
	In 1892	53,174	31,470	20,211	275	1,218	...	60·89	...	9	

The increase in the number of persons brought to trial, namely, 118, is small. The percentage of conviction has slightly fallen from 60·89 to 59·94. Excluding Northern Arakan and Salween, where the cases are few and percentages are apt to be misleading, Prome and Tharrawaddy show the highest proportion of convictions and Akyab and Hanthawaddy the lowest. In eight of the courts in the Akyab district the percentage was below 45. Bassein and Thôngwa, as in the year previous, still show a low proportion.

The Sessions Judge, Arakan, proposes to examine the quarterly statements of crime now recorded in the different police stations to watch the results obtain-

ed as the year advances. The District Magistrate, Hanthawaddy, explains that a large number of the persons brought to trial on direct complaints to the Magistrate were discharged and that this has greatly reduced the percentage of convictions. Sufficient data are not given to show whether Magistrates sufficiently exercise the power conferred on them of rejecting complaints under section 203, Code of Criminal Procedure.

The low percentage in Bassein and Thôngwa was largely contributed to by the District Magistrates themselves and their explanations are not entirely satisfactory.

The average duration of 9 days was the same as last year. Hanthawaddy and Shwegyin show the highest average in the province.

13. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Criminal Procedure Code) are shown below.

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.		Percentage of persons convicted to total persons disposed of.	
		Last year.	Previous year.	Last year.	Previous year.	Last year.	Previous year.	Last year.	Previous year.
Arakan	Akyab ...	73	52	35	24	37	27	51·39	52·94
	Kyaukpyu ...	106	66	6	35	97	30	94·17	46·15
	Sandoway ...	58	20	20	11	38	8	65·52	42·11
	Northern Arakan...	1	1	...	...	1	1	100·00	100·00
	Total ...	238	139	61	70	173	66	73·93	48·53
Pegu	Hanthawaddy ...	69	77	27	18	40	59	59·70	76·62
	Pegu ...	93	77	21	29	69	44	74·07	60·27
	Tharrawaddy ...	250	165	44	35	206	128	82·40	78·53
	Prome ...	262	402	47	82	210	313	81·71	79·24
	Total ...	674	721	139	164	516	544	78·78	76·84
Irrawaddy	Henzada ...	201	189	30	37	171	152	85·07	80·42
	Bassein ...	136	227	23	67	101	151	81·45	69·27
	Thôngwa ...	136	140	32	55	104	85	76·47	60·71
	Wakema ...	64	...	13	....	51	...	79·69	...
	Total ...	537	556	98	159	427	388	81·33	70·93
Tenasserim	Amherst ...	108	169	19	33	84	118	81·55	78·15
	Shwegyin ...	45	19	13	11	32	8	71·11	42·11
	Toungoo ...	29	42	9	20	20	22	68·97	52·38
	Tavoy ...	14	18	1	8	13	10	92·86	55·56
	Mergui ...	44	12	19	1	25	11	56·82	91·67
	Salween ...	...	...	...	...	...	...	...	...
	Total ...	240	260	61	73	174	169	74·04	69·83
Southern ...	Thayetmyo ...	114	105	37	23	76	82	67·26	78·10
	Grand Total ...	1,803	1,781	896	489	1,366	1,249	77·53	71·86

The number of proceedings in which security for good behaviour was demanded rose from 1,781 to 1,803 and the number of persons eventually ordered to furnish security from 1,249 to 1,366. Bassein, Prôme, and Amherst show a falling off in the number of such proceedings, but the better results obtained in these districts would indicate greater care taken in the institution of proceedings. The proportion of convictions shows a satisfactory rise from 71·86 to 77·53. Akyab and Mergui show low percentages of convictions. The percentages in Hanthawaddy and Sandoway would admit of much improvement. As will be seen from the next table 833 persons were imprisoned in default of furnishing the security demanded.

14. The following table shows the different classes of punishment inflicted in Magisterial Courts:—

Division.	Name of district.	Total number of persons punished.	Fine without imprisonment.		Fine with imprisonment.		Whipping in lieu of other punishment.		Whipping in addition to other punishment.		Rigorous imprisonment without solitary confinement.		Simple imprisonment.		Rigorous imprisonment with solitary confinement.		Imprisoned in default of furnishing security for good behaviour.
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Arakan	Akyab	1,523	1,150	75·51	82	5·38	27	1·77	3	·20	290	19·04	7	·46	14	·92	35
	Kyaukpyu	816	482	59·07	12	1·47	56	6·86	8	·98	186	22·79	8	·98	4	·49	80
	Sandoway	437	234	53·55	19	4·35	47	10·76	3	·69	123	28·15	6	1·37	5	1·14	22
	Northern Arakan	19	7	36·84	3	15·79	1	5·21	...	...	11	57·89	...	...	...	...	...
	Total ...	2,795	1,873	67·01	116	4·15	131	4·69	14	·50	610	21·82	21	·75	23	·82	137
Pegu	Hanthawaddy	1,660	1,089	65·60	18	1·08	105	6·32	17	1·02	432	26·02	...	...	2	·12	32
	Pegu	1,668	1,156	69·30	34	2·04	74	4·44	12	·72	393	23·56	10	·60	25	1·50	10
	Tharrawaddy	3,117	1,924	61·73	52	1·67	175	5·61	26	·83	763	24·48	25	·80	88	2·82	142
	Prome	3,283	1,925	58·64	86	2·62	153	4·66	28	·85	988	30·09	10	·30	34	1·04	173
	Total ...	9,728	6,094	62·64	190	1·95	507	5·21	83	·85	2,576	26·48	45	·46	149	1·53	357
Irrawaddy	Henzada	2,926	1,831	62·58	51	1·70	183	6·25	30	1·02	823	28·13	5	·17	14	·48	70
	Bassein	2,914	1,903	65·31	34	1·17	127	4·36	10	·34	830	28·48	2	·07	15	·51	37
	Thôngwa	2,440	1,638	67·13	32	1·31	156	6·39	24	·98	572	23·44	8	·33	27	1·11	39
	Wakêma	183	69	37·70	...	...	9	4·92	...	...	54	29·51	...	...	2	1·09	49
	Total ...	8,463	5,441	64·29	117	1·38	475	5·61	64	·76	2,279	26·93	15	·18	58	·69	195
Tenasserim	Amherst	2,599	2,067	79·53	34	1·31	89	3·42	17	·65	342	13·16	4	·15	60	2·31	37
	Shwegyin	1,479	1,090	73·70	18	1·22	65	4·39	15	1·01	305	20·62	3	·20	5	·34	11
	Toungoo	1,003	654	65·20	14	1·39	49	4·88	6	·59	279	27·81	7	·69	...	...	14
	Tavoy	506	354	69·96	5	·99	30	5·93	8	1·58	86	16·99	8	1·58	19	3·75	9
	Mergui	313	197	62·94	13	4·15	12	3·83	2	·64	100	31·95	2	·64	...	...	2
	Salween	30	2	6·67	6	20·00	8	26·67	...	...	19	63·33	1	3·33	...	...	...
	Total ...	5,930	4,364	73·59	90	1·52	253	4·27	48	·81	1,131	19·07	25	·42	84	1·42	73
Southern ...	Thayetmyo	1,475	677	45·89	40	2·71	81	5·49	25	1·69	624	42·31	11	·74	11	·75	71
	Grand Total ...	28,391	18,449	64·98	553	1·95	1,447	5·10	234	·82	7,220	25·43	117	·41	325	1·14	833
	In 1892	29,109	19,286	66·25	688	2·36	1,447	4·97	243	·83	6,995	24·03	231	·79	393	1·35	757

There has been little material variation in the proportion of the different kinds of punishment inflicted by Magistrates. The number of persons punished fell from 29,109 to 28,391, but the same number of sentences of whipping were passed as in the previous year, namely, 1,447, and the proportion of such sentences to the total rose from 4·97 to 5·10. Full-power Magistrates have as a rule freely resorted to this mode of punishment and a higher proportion of the same with a corresponding reduction in the proportion of short sentences of imprisonment may only be expected when more 2nd class Magistrates in outlying townships can be safely entrusted with power to whip and proper means are found of carrying out local sentences of whipping to avoid the delay and expense inevitable in the sending up of a prisoner to the headquarters of a district for the execution of such sentences.

15. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years, and the amount of compensation given to complainants is shown below.

	1892.			1893.		
	Rs.	A.	P.	Rs.	A.	P.
Imposed	3,43,418	13	6	3,16,990	9	10
Realized	2,81,198	12	9	2,60,150	12	11
Remitted	13,598	3	3	16,508	8	4
Struck off	23,532	6	10	27,481	9	0
Compensation granted	14,272	9	11	25,800	9	0

A decrease is observable both in the amount of fines imposed and in the amount realized during the year. Great pains have been taken in most districts to collect outstanding fines imposed, but the amounts remitted and struck off show an increase. From this it would seem that the fines imposed are at times too high in relation to the capacity of accused persons to pay. More substantial compensation to complainants would appear to have been awarded during the year.

16. The number of cases and persons committed to the Sessions and the proportion of convictions to total tried is shown below.

Results of Committals to the Sessions Courts.

Sessions Court.	Cases committed during the year.	Persons committed during the year including those pending from previous year.	Number of persons: Convicted or referred.	Acquitted.	Died, escaped, or transferred.	Pending.	Percentage of convictions and references (column 4) to total disposed of (columns 4 and 5.): Last year.	Previous year.	Average duration of cases.	Remarks.
1	2	3	4	5	6	7	8	9	10	11
Arakan ...	62	102	64	38	...	...	62·75	68·63	42	
Pegu ...	137	270	93*	145*	...	32	39·98	63·79	43	
Irrawaddy ...	157	361	175†	151†	9	26	53·68	53·28	38	
Tenasserim ...	55	110	71	28	...	11	71·72	63·36	60	
Moulmein ...	21	36	23	12	...	1	65·71	68·42	18	
Southern Division	7	16	7	1	...	8	87·50	...	54	
Total ...	439	895	433	375	9	78	53·59	..	42	
In 1892 ...	449	968	554	369	1	[illegible]	..	60·02	42	

* 69 persons convicted and 112 acquitted by Additional Sessions Judge.
† 149 persons convicted and 151 acquitted by Additional Sessions Judge.

There have been 10 fewer cases and 73 fewer persons committed to the Sessions Courts. The percentage of conviction has fallen from 60·02 to 53·59.

This is not satisfactorily explained. The percentage was bad in the Pegu, Irrawaddy, and Arakan divisions. There was a slight increase in the percentage for the Irrawaddy division over the previous year, but this increase the Sessions Judge explains has taken place wholly in his own court, all the persons committed in the only two cases which came before him being convicted and the convictions being upheld in appeal, while as a matter of fact the percentage in cases tried by the Additional Sessions Judge fell from 58 to 52·9. He reports that a special statement has recently been submitted to Government on the state of affairs in the Bassein district which received unfavourable comment in last year's report, and it has been shown that during the first ten months of the year the percentage of conviction rose from 39 to 59. He remarks that the obvious inference is that this time other districts are responsible for the failure to secure conviction, but in the absence of comment by the Additional Sessions Judge he is unable to place his finger on the precise places where weakness has been exhibited. The Sessions Judge, Pegu, Colonel Cooke, who gives the percentages of conviction between the Sessions Judge and Additional Sessions Judge for the past four years as below, namely :—

	1890.	1891.	1892.	1893.
Sessions Judge	70	64	77	42
Additional Sessions Judge	63	80	59	38
Total ...	68	67	64	39

thinks that the fall is attributable to the fact that the majority of commitments are now made by Burman Magistrates who commit accused persons to the Sessions as the easiest way of getting rid of a case and of avoiding responsibility and at the same time pleasing the police. He remarks—

"I have tried no Sessions cases in this division, but my experience in other divisions has shown me that the investigation of a case committed by a Burman Magistrate often commences in the Sessions Court, and it is not surprising that there are so many acquittals. The Additional Sessions Judge gives the following percentage of convictions to commitments in the cases received from three districts in this division—Pegu 24 per cent., Tharrawaddy 35 per cent., Prome 52 per cent."

Out of a total of 895 persons committed in the province the Additional Sessions Judge disposed of 481, convicting 218 and acquitting 263 persons. The provincial percentage of conviction would appear to have been considerably reduced by this Judge, whose own percentage, namely, 45·3, is very unsatisfactory and calls specially for explanation from him as to where the fault lies, even assuming that the Sessions Judge, Pegu, is correct in his views as to the faulty manner in which commitments are now made by Burman Magistrates.

The average duration of Sessions cases was 42 days, the same as in the previous year.

17. The following table compares the sentences passed in Sessions Courts in the past two years :—

Punishments in Sessions Courts.

Class of punishment.	Last year	Previous year.	Remarks.
Death	19*	49*	* Sentences confirmed by Judicial Commissioner.
Transportation for life	58	107	
Transportation for a term	255	259	
Rigorous imprisonment with or without fine or whipping	286	314	
Simple imprisonment with or without fine	2	4	
Fine only ...	...	...	
Whipping only	3	3	
Total Punishments	623	736	

There has been a marked reduction in the number of sentences of death and sentences of transportation for life. Sentences of transportation for a term

and sentences of rigorous imprisonment show a slight reduction. The decrease in the first three mentioned cases of sentences is no doubt due to the decrease in cases of murder, culpable homicide, and dacoity noticed elsewhere. The reduction in the number of sentences of rigorous imprisonment is not adequately explained.

18. The number of persons referred to the Sessions Courts under sections 34 and 123, Criminal Procedure Code, and the proportion of convictions to reference are shown below.

References to Sessions Courts under sections 34 and 123, Criminal Procedure Code.

Sessions Court.	Number of cases referred during the year.	Number of persons referred.*	Number of persons: Convicted.	Acquitted.	Died, escaped, or transferred.	Pending.	Percentage of convictions (column 4) to total disposed of (columns 4 and 5.)
1	2	3	4	5	6	7	8
Arakan	26	32	28	2	...	2	93·33
Pegu	81	97	81	11	...	5	88·05
Irrawaddy	43	66	66	...	...	...	100·00
Tenasserim	34	55	45	8	...	2	84·72
Moulmein	...	...	...	...	...	...	...
Southern division	...	...	...	...	...	...	...
Total ...	184	250	220	21	...	9	91·29
Total of previous year ...	170	240	216	19	...	5	91·91

* Including those pending from previous year.

One hundred and eighty-four cases involving 250 persons were referred to the Sessions Courts as compared with 170 cases involving 240 persons during the previous year. The percentage of confirmations, namely, 91·29, has diminished very slightly. The Sessions Judge of Irrawaddy confirmed every case referred to him as in the previous year.

19. The next table shows the detention of witnesses and the number of witnesses examined in Sessions and Magistrates' Courts.

Examination and detention of witnesses in Sessions and Magistrates' Courts.

Division	Name of district.	Witnesses examined.	Witnesses discharged: First day.	Second day.	Third day.	After third day.
Arakan.	Akyab	7,275	7,222	769	200	30
	Kyaukpyu	2,950	2,576	570	198	63
	Sandoway	2,591	[illegible]	989	245	76
	Northern Arakan	91	89	13	...	...
	Sessions Judge, Arakan ...	628	439	148	122	18
	Total ...	13,535	12,113	2,489	765	187

Examination and detention of witnesses in Sessions and Magistrates' Courts—concluded.

Division.	Name of district.	Witnesses examined.	Witnesses discharged. First day.	Second day.	Third day.	After third day.
Pegu.	Hanthawaddy	6,259	5,907	782	117	12
	Pegu	6,644	6,104	1,452	231	89
	Tharrawaddy	12,951	14,026	973	92	13
	Prome	13,459	12,474	2,825	552	109
	Sessions Judge, Pegu ...	1,279	1,335	237	97	91
	Total ...	40,592	39,846	6,269	1,089	314
Irrawaddy.	Henzada	11,613	11,386	2,377	394	143
	Bassein	14,558	14,724	2,051	604	503
	Thôngwa	10,803	10,767	1,429	185	1
	Wakèma	961	1,047	46	...	...
	Sessions Judge, Irrawaddy ...	1,504	1,800	188	111	...
	Total ...	39,439	39,721	6,091	1,294	647
Tenasserim.	Amherst	7,373	7,089	1,257	327	184
	Shwegyin	4,821	4,776	577	163	20
	Toungoo	2,788	3,078	403	55	6
	Tavoy	2,094	1,942	431	152	43
	Mergui	1,207	1,241	119	27	18
	Salweeff	102	115	6	3	...
	Sessions Judge, Moulmein ...	155	160	36	31	6
	Sessions Judge, Tenasserim ...	533	556	134	48	...
	Total ...	19,073	18,957	2,963	806	277
Southern.	Thayetmyo	6,996	6,057	1,434	506	131
	Sessions Judge, Southern Division	41	22	...	...	22
	Total ...	7,037	6,079	1,434	506	153
	Grand Total ...	119,676	116,715	19,246	4,460	1,578
	In 1892	114,618	112,376	17,426	3,389	966

The number of witnesses examined increased from 114,618 to 119,676. Bassein, Prome, Tharrawaddy, and Henzada show the largest number of witnesses examined. The detention of witnesses is not unsatisfactory on the whole.

20. The results of appeals disposed of in all Appellate Courts are shown in the next table.

Division.	Class of Appellate Courts	Number of appeals preferred within the year.	Number of appeal cases disposed of.	Number of appellants for disposal including those pending from previous year.	Appellants: Whose appeals were rejected or dismissed.	Appellants: Whose sentences were reversed.	Appellants: Whose sentences were enhanced, reduced, or otherwise altered.	Appellants: Otherwise disposed of.	Appellants: Total of columns 6 to 9.	Appellants: Pending.	Percentage of columns 6 to 10.	Average duration.
1	2	3	4	5	6	7	8	9	10	11	12	13
Arakan.	District Magistrate, Akyab	65	64	87	44	37	5	...	86	1	51·16	13
	District Magistrate, Kyaukpyu	41	40	56	33	...	22	...	55	1	60·00	4
	District Magistrate, Sandoway	17	17	17	9	7	1	...	17	...	52·94	8
	District Magistrate, Northern Arakan ...	...	...	...	...	...	...	...	...	...	...	...
	Sessions Judge, Arakan	251	250	262	174	56	31	...	261	1	66·67	11
	Total ...	374	371	422	260	100	59	...	419	3	62·05	11
Pegu.	District Magistrate, Hanthawaddy ...	22	22	27	19	2	6	...	27	...	70·37	8
	District Magistrate, Pegu	25	24	36	27	2	1	...	30	6	90·00	5
	District Magistrate, Tharrawaddy ...	35	35	44	26	12	4	2	44	...	59·09	8
	District Magistrate, Prome	73	73	94	71	15	8	...	94	...	75·53	4
	Sessions Judge, Pegu	992	978	1,160	825	225	68	28	1,146	14	71·99	11
	Judicial Commissioner, Lower Burma ...	428	425	536	415	56	31	8	507	29	81·85	22
	Total ...	1,575	1,557	1,897	1,383	312	118	35	1,848	49	74·84	14
Irrawaddy.	District Magistrate, Henzada	43	43	59	39	10	10	...	59	...	66·10	12
	District Magistrate, Bassein	160	159	182	119	21	41	...	181	1	65·75	8
	District Magistrate, Thôngwa	78	77	102	75	12	14	...	101	1	74·26	19
	District Magistrate, Wakêma	6	5	11	4	3	...	...	7	4	57·14	13
	Sessions Judge, Irrawaddy	899	884	1,062	787	127	108	13	1,035	37	76·04	11
	Total ...	1,186	1,168	1,416	1,024	173	173	13	1,383	33	74·04	11
Tenasserim.	District Magistrate, Amherst	51	49	61	20	18	17	4	59	2	33·90	10
	District Magistrate, Shwegyin	30	30	30	11	6	11	2	30	...	36·67	9
	District Magistrate, Toungoo	9	9	9	5	2	2	...	9	...	55·56	3
	District Magistrate, Tavoy	19	19	22	15	3	4	...	22	...	68·18	15
	District Magistrate, Mergui	6	6	6	3	1	2	...	6	..	50·00	7
	District Magistrate, Salween	...	...	...	...	...	...	...	...	...	...	...
	Sessions Judge, Moulmein	36	36	45	20	8	15	2	45	...	44·44	5
	Sessions Judge, Tenasserim	358	370	419	315	33	35	20	403	16	78·16	30
	Total ...	509	519	592	389	71	86	28	574	18	67·77	24
Southern.	District Magistrate, Thayetmyo ...	33	33	44	30	7	7	...	44	...	68·18	7
	Sessions Judge, Southern Division ...	52	42	63	36	5	4	4	49	14	78·47	7
	Total ...	85	75	107	66	12	11	4	93	14	70·97	7
	Grand Total ...	3,729	3,690	4,434	3,122	668	447	80	4,317	117	72·32	14
	In 1892	3,661	3,594	4,394	3,371	468	370	40	4,249	145	79·34	11

Three thousand seven hundred and twenty-nine appeals were preferred during the year as compared with 3,661 in 1892. Appeals disposed of by District Magistrates rose from 518 to 705, and appeals disposed of by Sessions Judges from 2,501 to 2,560. Appeals disposed of by the Judicial Commissioner fell from 575 to 425. The heaviest appellate work as in the previous year fell to the Sessions Judges of Pegu and Irrawaddy. The percentage of sentences left untouched fell from 79·34 to 72·32. It was about the same in the Pegu and Irrawaddy divisions about 74 per cent. In the Tenasserim and Arakan divisions it was much lower, viz., about 67 and 62 per cent. respectively. In Tenasserim the greatest amount of interference was found necessary in the Thatôn subdivision of Amherst, the Pyuntaza township of Shwegyin, and the District Court, Tavoy. In all these places changes in the presiding Magistrates have been made.

The average duration of appeals rose from 11 to 14 days. The duration was longest in the Court of the Sessions Judge, Tenasserim, who remarks:—

"The Sessions Judge in this division returns from a circuit of three weeks' duration or more to find an accumulation of appeals. In some cases the records have been duly submitted, in others they have not. When the appeals are summarily rejected the duration is still some eight or more days, and when they are admitted notices have to be sent to the appellant and to the Magistrate of the district in which the appellant was convicted, and there is still more delay, and if further evidence is required this delay is added to. In the Amherst district some cases were delayed from 71 and 82 days; in Tavoy for 86, 102, 127, and 133 days; in Toungoo 93 and 98 days; in Shwegyin 104 and 111 days solely by the non-submission of records without which it was impossible to decide whether to reject the appeal or to admit. As instances of the delays caused by recording further evidence called for, I may give 124 days in Amherst, 156 and 104 days in Shwegyin and 114 in Mergui."

These remarks reflect on the district officers concerned, and it is to be hoped that improvement will be shown in the results for the present year.

21. The following table shows in what divisions there has been the largest amount of interference with the decisions of the Sessions Courts:—

Sessions Court.	Total appellants disposed of by Judicial Commissioner.	Persons whose: Appeals were rejected or dismissed.	Persons whose: Sentences were reduced or altered.	Persons whose: Sentences were reversed.	Percentage of appeals rejected and dismissed to total disposed of by Judicial Commissioner: 1892.	Percentage of appeals rejected and dismissed to total disposed of by Judicial Commissioner: 1893.	Remarks.
Arakan	42	26	8	8	85	62	
Pegu*	20	15	...	5	71	75	
Irrawaddy*	10	10	...	...	100	100	
Tenasserim	38	32	...	5	83	84	One new trial.
Moulmein	16	13	3	...	100	81	
Additional Sessions Judge ...	208	158	19	27	75	76	Three new trials and one proceedings quashed.
Southern division ...	3	3	...	...	...	100	
Total ...	337	257	30	45	...	76	Four new trials and one proceedings quashed.
Total of 1892 ...	409	320	45	44	78	...	

Excluding appeals from the Additional Sessions Judge.

The percentage of appeals rejected or dismissed has fallen from 78 to 76.

The largest amount of interference was with appeals coming from the Sessions Judge, Arakan and Pegu, and the Additional Sessions Judge, Irrawaddy.

22. The following table shows the references made to the Judicial Commissioner under section 374, Criminal Procedure Code:—

Reference by whom made.	Sentences: Referred for confirmation.	Sentences: Confirmed.	Sentences: Reduced or altered.	Sentences: Reversed.	Sentences: Pending.	Remarks.
Sessions Judge of Arakan ...	10	3	1	3	3	
Sessions Judge of Pegu ...	3	3	...	...	...	
Sessions Judge of Irrawaddy ...	[illegible]	...	...	...	...	
Additional Sessions Judge of Pegu and Irrawaddy.	29	9	8	7	4	One new trial.
Sessions Judge of Tenasserim ...	8	3	...	3	2	
Sessions Judge of Moulmein ...	1	1	...	...	...	
Sessions Judge of Southern Division.	...	...	...	...	...	
Total ...	51	19	9	13	9	One new trial.

Of 51 sentences of death referred to the Judicial Commissioner for confirmation only 19 were confirmed. The corresponding figures for 1892 were 82 and 49 respectively.

23. References to the Judicial Commissioner under section 438, Criminal Procedure Code, are shown in the following table:—

Division.	Reference by whom made.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Pending: Persons.	Remarks.
Arakan.	District Magistrate of Akyab	18	19	10	...	...	4	2	2	Three new trials.
	District Magistrate of Kyaukpyu.	1	1	...	1	...	...	...	...	
	District Magistrate of Sandoway.	2	3	2	...	...	1	...	...	
	District Magistrate of Northern Arakan.	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan ...	5	19	16	...	1	1	1	1	
	Total ...	26	42	28	1	1	6	3	3	Three new trials.
Pegu.	District Magistrate of Hanthawaddy.	3	3	...	2	1	...	...	...	
	District Magistrate of Pegu...	21	105	9	...	65	31	...	...	
	District Magistrate of Tharrawaddy.	14	21	6	3	6	6	...	...	
	District Magistrate of Prome	10	15	8	2	1	3	...	...	One new trial.
	Sessions Judge of Pegu ...	22	29	8	1	7	9	1	2	Two new trials.
	Total ...	70	173	31	8	80	49	1	2	Three new trials.
Irrawaddy.	District Magistrate of Henzada.	7	14	1	...	...	10	1	1	Two new trials
	District Magistrate of Bassein	14	26	7	...	8	9	...	...	Two new trials.
	District Magistrate of Thôngwa.	5	10	5	...	2	3	...	...	
	District Magistrate of Wakèma.	...	...	...	...	...	...	...	...	
	Sessions Judge of Irrawaddy	3	5	1	...	...	4	...	...	
	Total ...	29	55	14	...	10	26	1	1	Four new trials.
Tenasserim.	District Magistrate of Amherst	9	11	6	...	...	4	1	1	
	District Magistrate of Shwegyin.	7	11	3	2	1	5	...	...	
	District Magistrate of Toungoo.	3	3	...	...	2	1	...	...	
	District Magistrate of Tavoy	1	2	...	2	...	...	...	...	
	District Magistrate of Mergui	1	1	...	...	...	1	...	...	
	District Magistrate of Salween	...	...	...	...	...	...	...	...	
	Sessions Judge of Moulmein	12	17	...	...	...	16	1	1	
	Sessions Judge of Tenasserim	7	11	5	...	...	3	...	...	Three new trials.
	Total ...	40	56	14	4	3	30	2	2	Three new trials.
Southern.	District Judge of Thayetmyo	14	14	10	...	2	2	...	...	
	Sessions Judge of Southern Division.	...	...	...	...	...	...	...	...	
	Total ...	14	14	10	...	2	2	...	...	
	Grand Total ...	179	340	97	13	96	113	7	8	Thirteen new trials.
	In 1892 ...	216	326	107	9	65	122	8	12	Nine new trials and two proceedings quashed.

24. Cases called for by the Judicial Commissioner on his own motion under section 435, Criminal Procedure Code, are shown in the following table:—

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	Akyab	32	39	28	...	5	...	6	6	
	Kyaukpyu	38	48	36	4	3	...	3	5	
	Sandoway	13	28	9	...	2	1	2	16	
	Northern Arakan ...	1	1	1	...	...	...	...	...	
	Sessions Judge of Arakan ...	2	2	...	1	1	...	...	...	
	Total ...	86	118	74	5	11	1	11	27	
Pegu.	Hanthawaddy	39	53	36	...	7	3	2	4	Three new trials.
	Pegu	46	127	79	...	4	28	4	16	
	Tharrawaddy	119	151	105	...	10	10	18	26	
	Prome	71	80	54	...	19	2	3	3	Two new trials.
	Sessions Judge of Pegu ...	2	2	1	...	1	...	...	...	
	Additional Session Judge ...	3	3	1	...	...	...	...	...	Two new trials.
	Total ...	280	416	276	...	41	43	27	49	Seven new trials.
Irrawaddy.	Henzada	135	163	120	3	12	18	10	10	
	Bassein	156	205	168	1	12	16	8	8	
	Thôngwa	89	126	83	...	12	7	15	24	
	Wakêma	...	...	...	...	...	...	...	...	
	Sessions Judge of Irrawaddy	...	...	...	...	...	...	...	...	
	Total ...	380	494	371	4	36	41	33	42	
Tenasserim.	Amherst	53	68	51	...	3	7	4	6	One new trial.
	Shwegyin	48	58	41	...	3	7	7	7	
	Toungoo	27	35	32	...	1	1	...	...	One new trial.
	Tavoy	26	38	22	...	...	4	5	12	
	Mergui	6	6	5	...	1	...	...	...	
	Salween	...	...	...	...	...	...	...	...	
	Sessions Judge of Moulmein	2	2	...	...	2	...	...	...	
	Sessions Judge of Tenasserim	2	2	1	...	...	1	...	...	
	Total ...	164	209	152	...	10	20	16	25	Two new trials.
Southern.	Thayetmyo ...	52	92	60	...	15	6	7	11	
	Sessions Judge of Southern Division.	1	1	...	...	1	...	...	...	
	Total ...	53	93	60	...	16	6	7	11	
	Grand Total ...	963	1,330	933	9	114	111	94	154	Nine new trials.
	In 1892	613	829	473	5	148	138	50	59	Two proceedings quashed and four new trials.

The total number of cases dealt with by the Judicial Commissioner in reference or revision was 1,142 as compared with 829 in 1892. Of these, sentences were enhanced in the case of 22 persons and reduced in the case of 210 persons and new trials ordered in the case of 22 persons.

25. The following table shows the revision work done by the Sessions Judges and Magistrates otherwise than application for revision:—

Cases called for in revision by Sessions Judges and District Magistrates.

Revising Court.	Number of cases called and examined under section 435, Criminal Procedure Code.		Number of cases in which committal was ordered under section 436, Criminal Procedure Code.	Number of cases in which further enquiry was ordered under section 437, Criminal Procedure Code.	Number of cases referred to the High Court under section 438, or to the District Magistrate under section 435, Criminal Procedure Code.	Pending cases.
	Last year.	Previous year.				
Sessions Judges ...	783	753	...	16	43	43
District Magistrates ...	3,059	2,798	...	36	151	191
Total ...	3,842	3,551	...	52	194	234

The table shows an increase in revision work done by Sessions Judges and District Magistrates.

26. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table:—

Receipts and Charges on account of issuing and serving Criminal Processes.

Division.	Name of district.	Number of processes issued.	Receipts from process-fees.	Charges.		
				Salaries of process-serving establishment.	Contingencies, &c.	
			Rs. A. P.	Rs. A. P.	Rs. A. P.	
Arakan.	Akyab	9,356	2,380 6 0	1,708 12 10	567 2 8	
	Kyaukpyu	1,686	426 8 0	192 13 8	63 12 2	
	Sandoway	1,490	261 4 0	295 2 9	25 10 9	
	Northern Arakan ...	25	...	...	...	
	Total ...	12,557	3,068 2 0	2,196 13 3	656 9 7	
Pegu.	Hanthawaddy... ...	2,677	1,123 4 0	588 5 8	188 12 9	
	Pegu	5,277	1,209 0 0	1,219 8 0	69 10 10	
	Tharrawaddy	9,856	1,230 12 0	1,685 5 3	215 6 3	
	Prome	5,027	1,955 0 0	1,116 0 6	...	
	Total ...	22,837	5,518 0 0	4,609 3 5	473 13 10	
Tharrawaddy.	Henzada	10,698	1,985 12 0	2,275 9 1	34 12 1	
	Bassein	7,458	3,026 12 0	1,573 8 11	12 0 5	
	Thôngwa	6,221	2,623 6 0	1,113 11 2	180 9 5	
	Wakèma	291	114 4 0	135 13 4	20 10 2	
	Total ...	24,668	7,750 2 0	5,098 10 6	248 0 1	
Tenasserim.	Amherst	13,135	2,681 14 0	918 2 4	2,232 15 10	
	Shwegyin	5,710	963 2 0	1,219 1 6	70 1 1	
	Toungoo	2,893	970 8 0	1,506 7 11	84 2 0	
	Tavoy	2,503	485 12 0	840 [illegible] 9	[illegible]	
	Mergui	615	294 0 0	143 1 6	65 15 10	
	Salween	17	10 12 0	0 12 4	...	
	Total ...	24,873	5,406 0 0	4,628 8 4	2,453 0 9	
Southern.	Thayetmyo	2,576	902 0 0	780 0 10	18 2 3	
	Grand Total ...	87,511	22,644 4 0	17,313 4 4	3,849 10 6	
	In 1892	77,970	21,312 14 0	17,435 1 11	2,069 5 8	

The number of processes issued rose from 71,970 to 87,511. The receipts from process-fees amounted to Rs. 22,644-4-0 and the charges to Rs. 21,162-14-10, leaving a net gain of Rs 1,481-5-2.

The subjects of inspection and the sorting and destruction of records are dealt with in the Civil Justice Report.

27. The following officers deserve mention on account of excellent work in the revision of cases and in inspections—

Lieutenant-Colonel H. R. Spearman, Sessions Judge, Tenasserim.

Mr. A M. B. Irwin, District Magistrate, Tharrawaddy

Mr. A. R Birks, Sessions Judge, Arakan.

Lieutenant-Colonel C. A. Cresswell, District Magistrate, Prome.

Mr. H. L. Eales, District Magistrate, Amherst.

28. Mr. Hosking held the office of Judicial Commissioner throughout the year under review.

H. F. ASTON,

Offg. Judicial Commissioner, Lower Burma.

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THE CRIMINAL JUSTICE REPORT OF UPPER BURMA FOR The year 1893.

From G. D. BURGESS, Esq., C.S.I., Judicial Commissioner, Upper Burma, to the Secretary to the Chief Commissioner, Burma,—No. 950-35—5, dated the 9th May 1894.

I HAVE the honour to submit the Criminal Justice Report and Returns for Upper Burma for the year 1893.

SECTION I.—REPORTED CASES.

2. The total number of offences reported and the total number of offences returned as true, compared with the figures for the previous year, are shown below.

Division.	Name of district.	Cases reported.		Cases rejected under section 203, Criminal Procedure Code.		Cases declared false or not entered as true.		True cases.		Percentage of true to reported cases.	
		1892	1893	1892	1893	1892	1893	1892	1893	1892	1893
NORTHERN.	Mandalay	4,823	3,880	56	24	75	49	4,692	3,807	97·28	98·12
	Bhamo	602	622	5	20	6	2	591	600	98·17	96·46
	Katha	996	716	22	27	86	13	878	676	88·15	94·41
	Ruby Mines	348	532		9	31	45	317	478	91·09	89·85
	Shwebo	1,204	1,221	[illegible]	441	275	67	908	1,113	75·41	91·15
	Total ...	7,973	6,971	104	121	483	176	7,386	6,674	92·64	95·74
CENTRAL.	Ye-u	402	338	...	6	68	6	334	326	83·08	96·45
	Sagaing	943	827	2	16	5	11	936	800	99·26	96·74
	Lower Chindwin	653	628	2	14	10	21	641	593	98·16	94·43
	Upper Chindwin	499	535	...	10	5	6	494	519	99·[illegible]	97·01
	Total ...	2,497	2,328	4	46	88	44	2,405	2,238	96·32	96·13
SOUTHERN.	Pakôkku	1,278	1,018	34	44	45	3	1,199	971	93·82	95·38
	Minbu	909	776	10	3	64	5	835	768	91·86	98·97
	Magwe	1,153	828	42	34	18	20	1,093	774	94·80	93·48
	Total ...	3,340	2,622	86	81	127	28	3,127	2,513	93·62	95·84
EASTERN.	Kyauksè	595	616	14	13	10	14	571	589	95·97	95·62
	Meiktila	978	1,015	25	32	25	35	928	948	94·89	93·40
	Yamèthin	1,420	1,471	5	21	22	10	1,393	1,440	98·10	97·89
	Myingyan	1,240	1,070	24	5	28	15	1,188	1,050	95·81	98·13
	Total ...	4,233	4,172	68	71	85	74	4,080	4,027	96·30	96·52
	GRAND TOTAL ...	18,043	16,093	262	319	783	322	16,998	15,452	94·21	96·02

The return of reported cases shows a total decrease of 1,950 from the previous year.

In Mandalay the decrease was 943, which is much the largest for any district: Magwe with 325, Katha 280, Pakôkku 260, Myingyan 170, Minbu 133, and Sagaing 116 come next.

The districts which show an increase are Bhamo, Ruby Mines, Shwebo, Upper Chindwin, Kyauksè, Meiktila, and Yamèthin.

The Deputy Commissioner, Mandalay, considers that the decrease is genuine and not due to concealment of cases, and he has found it general throughout the villages of the district. Apparently it is owing to a good season with a rapid succession of crops and consequent abundance of employment.

The beat patrol system, too, receives some of the credit from the Deputy Commissioner, Mandalay, and Commissioner, Northern Division.

The District Magistrate, Katha, also reports a real decrease of crime notwithstanding the increased facilities for reporting it afforded by the establishment of more police outposts. The transfer of the Kyanhnyat and part of the Tigyaing township to the Ruby Mines district has besides affected the criminal statistics of Katha.

The Deputy Commissioner, Pakôkku, can only account for the decrease of crime by supposing that it has been diminished through the general working of the district administration, but the Commissioner very much doubts if all cases are reported, and he does not consider the falling off in cases under special and local laws a good sign, as a more vigorous application of the municipal bye-laws in Pakôkku town would do no harm.

The decrease in Magwe is not explained nor that in Minbu and Myingyan. The increase in Shwebo is ascribed partly to the succession of bad agricultural seasons and partly to the failure of police detection, which is an encouragement to thieves. The working of the track law and the exertions of the District Magistrate (Mr. Shaw) have probably prevented the increase of crime from being greater than it is, as the Commissioner observes. But the figures commented on by the Commissioner and Deputy Commissioner showed an increase of 152 cases, which has now been reduced to 17 by the exclusion of cases of cattle-straying.

In the Ruby Mines the increase is due to the inclusion of Kyanhnyat and Momeik in that district.

The Deputy Commissioner, Upper Chindwin, says the increase is largely due to the incorporation in the return of cases ordered "not to be entered." It has been ascertained that the reason for doing this was a misunderstanding of the instructions on the subject of criminal statistics, and the matter has since been put right.

The increase in Kyauksè, Meiktila, and Yamèthin is inconsiderable. Yamèthin represents what were formerly the two separate districts of Yamèthin and Pyinmana. Myingyan, which used to belong to the Southern division, has been transferred to the Eastern.

It may be questioned whether crime is fully reported, particularly in towns and along the railway and river lines of traffic where theft is apparently very prevalent.

The cases returned as true are 1,546 fewer than in the year before.

The percentage of true to reported cases has risen slightly by 1⅞ per cent.

Complaints rejected under section 203, Code of Criminal Procedure, have increased by 57. The increase is due to the greater care that has generally been taken to bring such cases on the returns, though I still find that they are not infrequently left out, and in part to the more extended exercise by Magistrates of the powers conferred by the section.

Many Burman Magistrates are negligent in applying the provisions of the section or lack the art of getting at the bottom of a case by examination of the complainant. In Mandalay the decrease seems to have occurred in the district and not in the town, and is not accounted for in the report.

If the figures for Myingyan are correct they show, as the District Magistrate says, that Magistrates have not made sufficient use of the section. The Commissioner makes the same objection as regards Kyauksè.

Cases declared false and not entered as true have decreased by 461.

The District Magistrate, Mandalay, is unable to give any special reason for the comparatively small number of false cases in the town. The vigilance of the Magistrates, he believes, prevents the police from trying to make out cases as false which are really genuine.

Where Mandalay shows 49 false cases Shwebo exhibited 207, and this is 68 less than in the year before. The District Magistrate states that the majority is made up of cases reported as cattle-thefts which turn out to be cases of straying, but such cases would presumably be eventually marked as not to be entered and would not appear as reported cases at all. A similar mistake was made in Shwebo the year before. This error has now been corrected, and the number of false cases in Shwebo has been reduced to 67.

The fall from 96 to 13 false cases in Katha has not been explained. It is very likely due, like that from 68 to 6 in Ye-u, to some change of system in regard to reckoning cases of the class known as "not to be entered," and the same may be said of Pakôkku and Minbu perhaps.

It is apparent from the several reports that as Mr. Bridges, the Commissioner, Eastern Division, has observed, all courts have not been working on the

same principles in regard to the classification of cases. This is probably because of want of clearness in the instructions on the subject and of some inconsistency in them, apparent or real. Compare, for instance, the instructions issued with the approval of the local Government in Police Circular No. 2, dated the 22nd March 1893, with those for keeping the check register. The matter attracted my attention during the past year, and some time ago I communicated with the Judicial Commissioner, Lower Burma, in order to ascertain exactly how things stand and to arrange for a uniform and consistent system to be followed in future. The Judicial Commissioner called on District Officers for reports on the subject which he has forwarded, and I have now laid proposals in the matter before the local Government. At present intentionally false cases, although the offence imputed was never committed, are included as part of the crime of the country; but it would seem more logical to discontinue reckoning as reported offences cases of crime which never occurred and with respect to such cases only to enter in the criminal statistics of the country the offences of persons who have been successfully prosecuted for wilfully making unfounded charges. It may happen that the number of cases returned as true may be less than that of the cases judicially investigated, but this does not seem to be of any consequence, and occurs in India, as mentioned for example in the Criminal Justice Report of 1892 for the North-Western Provinces in regard to the districts of Aligarh, Jaunpur, and Mirzapur.

District Magistrates have generally been at pains to get their criminal judicial statistics into accord with those of the police, and for the most part they have been able to report the success of their efforts. That is to say, they have been able to account for every case and every person in the two sets of returns. But unfortunately this does not mean a complete agreement in the figures as presented in the respective statements, and such agreement is unattainable under present conditions because of the different systems followed in exhibiting the results of judicial and police work.

The following extract from the Minbu report explains how discrepancies must come in:—

"In this form there are differences with the police return.

"Police show 2 murders and 1 under section 396, Indian Penal Code. I show the 1 under section 396, Indian Penal Code, in my return as dacoity, as it comes within the heads Nos. 52 to 55.

"As to dacoity there were 8 cases, but the police have shown only 6 cases. The District Magistrate tried 3 cases by the same gang at one trial and so the police have made only 1 case.

"Again in culpable homicide I show 1 case as it was taken to court and found to be no case. The District Magistrate allowed it to be struck out as no case in Police Return.

"Again I show in hurt, sections 323, 324, 327, 328, 330, 332, 334, 336, and 337, there are 70 cases in my return. The police show, section 323, as hurt 46 cases, then separately, section 324, 20 cases. These returns can never agree with the police until both departments use one form and some arrangement is made by which one crime is only entered as 1 and not a fresh case for each accused in one case."

The District Magistrate, Myingyan, gives a similar list of unavoidable discrepancies. It seems a great pity that one set of figures arranged in the same way cannot be taken for both judicial and police purposes, the respective departments being left to explain and interpret them in their reports according to their several requirements.

One of the cases of murder entered against Shwebo was committed in Kemmendine, Rangoon. Why this should appear as one of the crimes of Shwebo has not been explained, except by the statement that the Shwebo police made an arrest for it. Similarly, it is stated that none of the dacoities shown against Ye-u was committed in that district.

In the Lower Chindwin the police and the judicial figures are reported to agree, but complaint is made that the figures in the provincial police report for 1892 differed from those furnished by the district.

As usual I have obtained the Inspector-General of Police's statement and I find that they give a total of 17,971 reported cases against the 16,093 reckoned in the judicial returns, a difference of 1,878.

Under present arrangements it seems impossible to achieve uniformity in the exhibition of criminal statistics.

3. The following table shows true offences reported under each class in the year 1893 as compared with the previous year:—

Di	Name of district.	Year.	Offences of abetment, Chapter V.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by, or relating to, public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public justice, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total true offences reported.	Remarks.
			Offences against public tranquillity.																				
Northern.	Mandalay	1892	...	1	...	11	8	7	30	1	1	78	4	347	1,088	3	2	13	15	60	3,017	4,692	
		1893	...	...	...	9	9	...	15	1	...	57	5	337	777	...	7	18	9	61	2,502	3,807	
	Bhamo	1892	...	4	...	1	1	5	14	...	...	7	1	85	244	...	1	4	2	16	206	591	
		1893	1	1	...	4	4	2	11	...	...	10	...	121	274	3	...	3	6	18	150	600	
	Katha	1892	...	6	...	1	8	12	26	...	3	26	...	108	494	1	...	2	3	21	167	878	
		1893	...	2	...	2	3	6	28	3	1	5	1	80	297	1	2	6	...	8	131	676	
	Ruby Mines	1892	...	...	...	2	...	...	[illegible]	...	...	1	...	32	161	...	...	...	1	7	96	317	
		1893	...	...	...	2	3	10	15	...	...	5	...	64	257	...	...	3	2	5	112	478	
	Shwebo	1892	...	...	...	10	1	9	7	1	...	13	...	105	587	1	7	...	4	20	143	908	
		1893	...	...	...	4	1	4	8	2	...	33	1	152	698	1	...	8	10	25	166	1,113	
	Total	1892	...	11	...	25	18	33	100	2	4	125	5	677	2,574	5	10	19	25	124	3,629	7,386	
		1893	1	3	...	21	20	22	77	6	1	110	7	754	3,403	5	9	38	27	109	3,061	6,674	
Central.	Yeu	1892	...	...	...	...	4	3	13	2	...	26	1	36	173	...	...	3	...	7	66	334	
		1893	...	...	...	...	...	1	6	...	...	26	...	46	150	...	...	2	...	10	85	326	
	Sagaing	1892	...	...	...	6	12	7	19	...	...	54	4	127	416	...	...	9	3	20	259	936	
		1893	...	...	...	...	4	2	10	...	...	18	...	125	388	3	...	6	...	34	210	800	
	Lower Chindwin	1892	...	...	...	2	4	7	5	1	...	16	...	87	328	...	...	9	9	22	150	641	
		1893	...	...	...	4	...	8	8	...	...	38	1	98	269	...	...	4	9	24	130	593	
	Upper Chindwin	1892	...	2	...	2	2	8	11	...	...	25	...	62	266	1	...	4	8	12	91	494	
		1893	...	...	...	2	4	10	9	...	1	16	2	62	277	...	...	4	5	12	115	519	
	Total	1892	...	2	...	10	22	25	48	3	...	121	5	312	1,183	1	...	25	20	62	566	2,405	
		1893	...	...	...	6	8	21	33	...	1	98	3	331	1,084	3	...	16	14	80	540	2,838	

SOUTHERN.	Pakôkku	1892	...	...	...	17	18	16	29	...	...	116	...	158	437	2	...	7	3	27	369	1,199
		1893	...	...	...	10	4	5	16	...	1	75	...	141	421	1	...	4	3	29	268	971
	Minbu	1892	...	...	...	3	5	1	8	...	...	28	...	151	392	...	...	6	4	34	203	835
		1893	...	...	...	4	3	5	5	...	...	28	...	155	365	...	1	9	5	51	137	768
	Magwe	1892	...	3	...	1	8	8	23	...	...	23	...	147	592	2	...	4	1	26	255	1,093
		1893	...	...	...	...	3	8	9	...	1	18	...	111	381	...	...	7	5	24	207	774
	Total ...	1892	...	3	...	21	31	25	60	...	...	167	...	456	1,421	4	...	17	8	87	827	3,127
		1893	...	...	...	14	10	18	30	...	2	121	...	407	1,167	1	1	20	13	97	612	2,513
EASTERN.	Kyaukse	1892	...	...	...	2	7	...	6	...	...	30	3	106	288	...	2	7	2	12	106	571
		1893	...	...	...	3	2	4	[illegible]	...	...	14	3	88	317	...	...	6	8	21	118	589
	Meiktila	1892	...	...	...	2	1	8	17	5	...	18	...	178	456	2	...	3	5	50	183	928
		1893	...	...	...	2	1	7	20	1	...	16	...	197	409	...	1	13	8	91	182	948
	Yamèthin	1892	...	...	...	4	13	7	26	1	1	47	1	210	684	1	...	9	3	39	347	1,393
		1893	...	...	...	10	7	5	19	1	...	52	...	184	615	1	...	9	7	31	499	1,440
	Myingyan	1892	...	...	...	3	5	6	27	...	...	42	1	200	623	...	...	4	6	29	282	1,188
		1893	...	...	...	4	7	15	18	...	...	30	3	165	515	...	...	10	3	27	253	1,050
	Total ...	1892	...	...	...	11	26	21	76	6	1	137	5	694	2,051	3	2	23	16	130	878	4,080
		1893	...	...	...	19	17	31	62	2	...	112	6	634	1,856	1	1	38	26	170	1,052	4,027
	GRAND TOTAL ...	1892	...	16	...	67	97	104	284	11	5	550	15	2,139	7,229	13	12	84	69	403	5,900	16,998
		1893	1	3	...	60	55	92	202	8	4	44[illegible]	16	2,126	6,510	10	11	112	80	456	4,265	15,452
	Increase ...		...	1	...	...	...	...	...	...	...	...	1	...	...	...	...	28	11	53	...	...
	Decrease ...		...	...	13	...	7	42	12	82	3	1	109	...	13	719	3	1	...	...	635	1,546

4. The only classes of offences in which there has been an increase are those relating to religion and marriage, defamation and intimidation, so that the general decrease has extended to all the more important descriptions of crime.

The largest falling off is in offences against property, 719, which is satisfactory, if crime is not less freely reported than it used to be, and in offences against special and local laws, 635. The latter decrease is principally made up of a diminution under the Opium, Excise, and Gambling Acts, the Municipal and Forest Regulations, and the preventive sections of the Code of Criminal Procedure.

There has perhaps been a tendency in the past to work Municipal bye-laws at times with too great stringency, but there is possibly, as the Commissioner, Southern Division, suggests, too much laxity also in some places. Perhaps, however, the people are learning, as the Deputy Commissioner, Bhamo, thinks, to pay more attention to the sanitary matters to which many of the rules relate.

The next largest diminution, 82, is in the offence of false evidence and offences against the public justice, and it cannot be regarded as satisfactory.

The Upper Burman frequently perjures himself shamelessly and unblushingly, and he deserves to be punished for an offence which the courts are often apt to pass over because prosecution is troublesome. Attention has had to be called to this matter.

The District Magistrate, Upper Chindwin, states that many of the cases of contempt of the authority of public servants related to disobedience of orders issued under the Village and Land and Revenue Regulations, and that some of them are under reference to the High Court.

It is noticeable that only three offences against the State appear in the return for 1893.

The District Magistrate, Mandalay, repeats his opinion of the previous year as to the harm done by gambling and the prevalence of the practice, and the Commissioner, Northern Division, remarks on the extent to which gambling houses are believed to exist in Mandalay, thereby causing an evil which cannot be tolerated and which, if unchecked, must be a fruitful source of crime.

In Katha it was found necessary to take strong measures to stop gambling in which Burmese officials, who ought to have helped to put it down, indulged.

Prosecutions for gambling in a public place have fallen off, in consequence of a ruling that the accused must be found gaming by the police, in Sagaing, Upper Chindwin, and Lower Chindwin.

On the other hand, there have been more prosecutions for gambling in Kyauksè.

In the Upper Chindwin prosecutions under the Forest Regulation have fallen from 14 to 1, the District Magistrate discouraging them on principle and substituting arrangements by compensation, as he considers offences are committed more through ignorance of novel restrictions than because of criminal intention. He has had the satisfaction of finding his sensible action justified by the result that there is no repetition of such offences. The decrease of cases under the Opium Act in Magwe is attributed by the District Magistrate to the deterrent nature of the punishment inflicted.

Offences affecting the Human Body.

Offence.	No. of head of crime.	True cases.																																		
		Mandalay.		Bhamo.		Katha.		Ruby Mines.		Shwebo.		Ye-u.		Sagaing.		Lower Chindwin.		Upper Chindwin.		Pakokku.		Minbu.		Magwe.		Kyaukse.		Meiktila.		Yamethin.		Myingyan.		Total.	
		1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.	
Murder	20	8	8	12	13	3	3	4	2		5	1	4	1	7	5	4	2	1	2	8	5	2	3	4	3	2	1	2	1	3	1	1	54	69	+ 15
Attempt at murder	21	..	..	1	1	..		..	...	.		.		1	1	.	...	...	...	...	...	..	.	1	...	..	...		..	1	...	1	...	5	2	— 3
Culpable homicide	22	4	1	.	.	...	.	.	1	...	..	.	1	...		...	...	.	1	..	2	...	1	...	...	...	...	...	...	1	...	...	...	5	7	+ 2
Attempt at culpable homicide .	24	1	.								.			..		..	...	...	...	..	...	...	...	...	...	...	...	..	...	...	...	...		1	...	— 1
Grievous hurt	32	10	10	2	2	6	1	1	2	4	9	5	9	8	7	2	4	2	2	9	7	2	10	4	4	5	5	3	4	7	10	6	11	76	97	+ 21
Rape	42	7	3	2	1	4	3		1	3	4	4	1	4	5	1	1	2	4	7	10	9	5	3	2	5	3	1	3	4	2	5	7	61	55	— 6
Unnatural offence	43	.	1			.			.		1	.		...		...	...	...	...		...	...	...	1	...	...	...	..	...	...	...	1	...	2	2	...
Hurt	33	127	94	12	16	28	23	15	17	47	63	9	6	27	26	47	42	20	14	33	50	58	70	67	38	28	15	34	59	81	86	68	54	701	673	— 28
Criminal force and assault	36	164	196	49	77	51	39	10	37	44	60	15	25	77	71	26	43	32	35	92	59	66	61	57	56	51	58	129	118	104	67	106	77	1,073	1,079	+ 6

Of the offences shown in the above table the only ones which have increased are culpable homicide by 2, grievous hurt by 21, and assault by 6.

As cases of the kind are as readily reported as ever, apparently, it would seem that there has been a gratifying diminution of crimes of violence.

Murder, culpable homicide, and attempts to commit those offences together have risen from 65 to 78, or by 13.

Rape cases are six fewer than in the previous year, and hurt cases 28.

Bhamo has one more murder than in 1892. Many of the rape cases are very doubtful.

As the District Magistrate, Lower Chindwin, remarks, complaints of rape are often brought by "parties really consenting but urged to a pretence of unwillingness through untimely and unexpected discovery by a third party."

The District Magistrate, Upper Chindwin, says that in his experience few rape cases in Burma are really true.

Cases of ordinary hurt have decreased by 28. Perhaps, as is said of Magwe, the police have been more careful in referring cases of the kind to the Magistrate, with the result that fewer complaints are brought in court, the parties going before the village headmen and getting their quarrels settled.

Offences against Property.

Offences.	No. of head of crime.	True cases. Mandalay. 1892.	Mandalay. 1893.	Bhamo. 1892.	Bhamo. 1893.	Katha. 1892.	Katha. 1893.	Ruby Mines. 1892.	Ruby Mines. 1893.	Shwebo. 1892.	Shwebo. 1893.	Ye-u. 1892.	Ye-u. 1893.	Sagaing. 1892.	Sagaing. 1893.	Lower Chindwin. 1892.	Lower Chindwin. 1893.	Upper Chindwin. 1892.	Upper Chindwin. 1893.	Pakokku. 1892.	Pakokku. 1893.	Minbu. 1892.	Minbu. 1893.	Magwe. 1892.	Magwe. 1893.	Kyaukse. 1892.	Kyaukse. 1893.	Meiktila. 1892.	Meiktila. 1893.	Yamethin. 1892.	Yamethin. 1893.	Myingyan. 1892.	Myingyan. 1893.	Total. 1892.	Total. 1893.	
Dacoity	52—55	8	13	28	28	16	10	29	18	3	3	3	3	3	1	1	...	7	2	5	5	3	12	4	1	2	4	1	3	3	...	3	3	119	106	—13
Robbery, including attempts ...	49—51	31	24	19	11	13	13	10	10	11	12	5	3	14	7	7	6	1	6	9	13	15	7	13	5	7	8	4	4	10	10	2	5	171	144	—27
Housebreaking and lurking house-trespass.	66—68	69	43	14	5	14	18	8	8	14	38	5	....	23	40	21	24	8	31	14	10	43	26	8	6	23	34	22	16	18	15	25	23	329	337	+8
Other house-trespass	64 & 65	30	40	2	6	11	5	4	5	3	12	6	2	9	7	9	8	6	9	18	13	9	11	14	8	9	12	9	10	19	15	25	32	183	195	+12
Criminal trespass	63	30	31	..	2	4	3	...	1	3	7	3	3	29	19	25	24	5	5	82	91	25	42	74	50	15	25	55	93	78	117	53	29	481	542	+61
Cattle-theft	44	86	48	...	31	69	46	26	43	291	235	45	45	44	34	31	24	19	26	49	28	58	23	105	67	24	13	40	32	82	61	73	49	952	805	— 147
Other thefts and receiving stolen property	45 & 58	643	491	154	169	317	259	77	150	315	336	92	76	196	210	195	154	188	169	181	206	185	193	305	173	175	178	229	172	356	294	348	268	3,956	3,498	—458

The more serious forms of crime still show a decrease. Dacoities have fallen by 13 from 119 to 106, and robberies by 27 from 171 to 144.

Doubt is, and has been for some time, felt whether this satisfactory condition of things can be expected to continue, and somewhat recent events have appeared to give ground for entertaining it. The impression made by the vigorous measures which succeeded the annexation must naturally wear off in time, and many lawless and restless men who sought safety in flight have probably returned or will soon venture to do so, while many of the men sentenced in the early days have been released.

Lower Burma offenders also will and do find it useful at times to change the scene of their operations to Upper Burma. The general population of the country may be said to be essentially criminal in disposition and requires little provocation or inducement to be led into breaking the law. It is not long ago since an outlaw readily organized in Mandalay a band of men provided with firearms and other weapons to go out and commit dacoity in other districts. The conspiracy which culminated in the attack on and destruction of the Chaungu police station a short while ago is also said to have been hatched in Mandalay.

The police with a few exceptions do not cope very successfully with crime, and if it were not for the village organization there would probably be but little control over the enemies of law and order. The Commissioner, Eastern Division, however, does not think the lesson given after the annexation is likely to be forgotten during the present generation.

The crime of housebreaking and lurking house-trespass has increased by 8 cases from 329 to 337. The figures probably do not represent the facts, as much of this species of crime goes down under section 380, Indian Penal Code. This kind of offence when committed at night, as it commonly is, naturally causes much alarm and annoyance to the people, and it seems to be very prevalent. As I have found it often inadequately dealt with by Magistrates, I have been obliged to call special attention to the matter, and to direct re-trials or to enhance sentences in several instances.

Criminal trespass has increased. Most of the cases arise from disputes about land and attempts to settle them without the expense of a civil action.

Cattle-thefts have diminished by 147—a considerable improvement.

Other thefts have gone down from 3,956 to 3,498, or by 458, and if there has not been a falling off in reporting the result is gratifying. But, as the Deputy Commissioner, Myingyan, and Commissioner, Eastern Division, suggest, the decrease is perhaps not real but merely means distrust of the detective ability of the police and disinclination to report small losses of property.

Looking at the figures for the several districts it will be seen that the Ruby Mines had 11 fewer dacoities and Katha 6 than in 1892, while in Bhamo the number, 28, was the same. In the Ruby Mines, it is said, the dacoit gangs were smaller and less daring than they used to be, and the improvement of affairs is attributed to the general success of the efforts of the district authorities. In Upper Chindwin one of the dacoities was a Chin raid which was punished by an expedition.

In Mandalay dacoity increased by 5 cases, the work of a gang from the Shan States.

Organized gangs of dacoits did not exist except that of Saya Pyu (or Nga Kyaw) in Kyauksè; that of Nga Hmat in Katha; those of Nga Po, Nga Pe, and Nga Chein in Upper Chindwin; and that of some outlaws in Pakókku. Nga Kyaw has been captured and sentenced, and all the gangs in the Upper Chindwin have been accounted for.

Robbery diminished in Bhamo, Minbu, and Magwe by 8 and in Sagaing and Mandalay by 7 cases. Many of the robberies are petty and little more than thefts which are merely technically robberies.

The Commissioner, Eastern Division, considers that the comparative poverty of the people and the small amount of money on circulation account for the absence of much violent crime against property. Shwebo shows an increase of 24 cases of housebreaking, Upper Chindwin 23, and Sagaing 17; Mandalay exhibits a decrease of 26, which, judging from the cases that come up in appeal

and revision, appears of dubious accuracy. The increases are the result of District Magistrates insisting on the police classifying these cases properly.

All districts are able to exhibit a decrease of cattle-theft except Shwebo, Bhamo, Ruby Mines, and Upper Chindwin, and Ye-u, where the numbers are equal. The cause of increase, 34, in Shwebo has already been mentioned. In Bhamo the return last year was, erroneously probably, prepared as blank; hence the increase of 31. These thefts are mostly committed by Kachins and have to be punished politically. Similarly the Chins are the cattle-lifters of the Upper Chindwin. In the Ruby Mines, Momeik is responsible, where it is easy to carry animals across the border. In an expedition to Maingngaw not long ago as many as 12 ponies were recovered. The vigorous working of the track law is the best check on cattle-theft, and the fencing and watching of villages considerably reduces the number of thefts of cattle out of villages at night, the thieves having to betake themselves more to the grazing-grounds.

Ordinary theft has diminished in Mandalay by 152 cases, in Magwe by 132, in Myingyan by 80, and in Katha by 58 cases. In the Lower Chindwin the decrease is put down to increase of prosperity, but, as the Commissioner remarks, an increase would very likely have been ascribed to the same cause. Theft has not increased much anywhere except in the Ruby Mines, where, besides Momeik, the growth of the town of Mogôk has helped to send up the figures.

In one district the increase in petty theft is passed over with the observation that it calls for no remarks as it is confined to the headquarters town, "which in common with all large towns must continue to be the hunting grounds of professional thieves." It seems more easy to envy than to imitate the equanimity of this view. The lower classes of Upper Burma, composed to a considerable extent as they are of slaves or the descendants of captives made in war or persons otherwise enslaved and accustomed to a degraded condition, are commonly ignorant of the most elementary ideas of honesty, and their constant depredations on their neighbours must cause a large amount of annoyance and ought to be kept down. The failure to do so indicates defective police organization or system or performance of duty.

SECTION II.—TRIBUNALS AND WORK DONE BY THEM.

5. The following table shows the number of Sessions and Additional Sessions Judges and the effective strength of the Magistracy at the close of the year :—

Number and distribution of Judges and Magistrates.

Division.	Name of district.	Judges.		Stipendiary Magistrates.				Special Magistrates.				Honorary Magistrates including Benches.			
		Sessions Judges.	Additional Sessions Judges.	First class including Deputy Commissioners.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.
Northern.	Mandalay ...	1	1	5	4	3	12	...	...	5	5	...	...	1	1
	Bhamo	...	...	5	7	1	13	1	...	...	1	...	...	...	...
	Katha	...	...	5	4	7	16	...	...	...	...	...	...	...	...
	Ruby Mines ...	...	...	4	2	3	9	...	...	...	...	...	...	...	...
	Shwebo	..	...	4	3	4	11		...	..	...	..	...	...	..
	Total ...	1	1	23	20	18	61	1	...	5	6	...		1	1
Central.	Ye-u	...	...	2	3	3	8	...	...	...	...	...	...	...	..
	Sagaing	1	...	4	5	3	12	...	...	...	...	...	...	...	...
	Lower Chindwin ...	...	...	4	7	...	11	...	...	...	...	...	...	...	...
	Upper Chindwin ...	...	...	6	1	7	14	1	...	...	1	...	...	...	.
	Total ...	1	...	16	16	13	45	1	...	...	1	...	...	...	...
	Carried over ...	2	1	39	36	31	106	2	...	5	7	...	...	1	1

Number and distribution of Judges and Magistrates—concluded.

Division	Name of district	Judges		Stipendiary Magistrates.				Special Magistrates				Honorary Magistrates including Benches.			
		Sessions Judges	Additional Sessions Judges	First class including Deputy Commissioners.	Second class.	Third class	Total.	First class.	Second class.	Third class.	Total	First class.	Second class.	Third class.	Total
	Brought forward ...	2	1	39	36	31	106	2	..	5	7	...	...	1	1
Southern.	Pakôkku ...	...	...	6	5	4	15	..	...	...	...	..	1	..	1
	Minbu	1	...	3	7	...	10	...	...	...	...	..	...	...	...
	Magwe	...	...	4	4	1	9	...	...	...	...	.	...	...	...
	Total ...	1	...	13	16	5	34	...	...	...	..	...	1	..	1
Eastern	Kyauksè	...	...	2	4	3	9	...	...	...	...	...	...	...	...
	Meiktila	1	...	4	4	1	9	...	..	...	...	...	...	...	...
	Yamèthin ...	...	...	4	6	...	10	...	2	...	2	...	...	...	...
	Myingyan ...	...	...	4	8	1	13	...	..	7*	7	...	...	1	1
	Total ...	1	...	14	22	5	41	...	2	7	9	...	..	1	1
	Grand Total ...	4	1	66	74	41	181	2	2	12	16	..	1	2	3

* Six thugyis and one Cantonment Magistrate.

The collocation of the figures of the two years 1892 and 1893 shows that no variations of importance have occurred. In Mandalay the Myoôks of the Pyinulwin subdivision have been counted in last year though they do not try cases.

The District Magistrate, Mandalay, complains of the want of regularity in the attendance of most of the Honorary Magistrates. He has addressed them on the subject. He thinks they find the work heavy and that they are dissatisfied with their treatment as compared with that of their brethern in Rangoon and Moulmein. A representation is likely to be made on the subject.

The work done by the Bench is fairly heavy. It is not disposed of with the requisite promptitude owing to causes which it is hoped to remove, but the Deputy Commissioner and Commissioner are satisfied with its general quality.

The Bench in Pakôkku is said to have worked well and to be less disposed to be lenient.

The Honorary Magistrates, Myingyan, tried five cases. The District Magistrate complains that 46 persons were pending trial in their court at the end of the year. Explanation has been called for, and the District Magistrate reports that the number of persons pending is due to one case with 44 persons

The Honorary Magistrates are said hardly to realize the necessity of dealing adequately with the cases that come before them.

6. The following table shows the result of trials and enquiries by Magistrates in each district:—

Division.	Name of district.	Persons under trial.	Convicted, committed, or referred.	Acquitted or discharged.	Died, escaped, transferred, or remaining.	Percentage of convictions, committals, references to total tried.	
						1892.	1893.
NORTHERN ...	Mandalay	5,045	3,304	1,562	179	66·55	67·90
	Bhamo	911	542	359	10	62·32	60·16
	Katha	793	551	218	24	73·54	71·65
	Ruby Mines	582	391	181	10	73·09	68·36
	Shwebo	1,037	530	496	11	60·21	51·66
	Total ...	8,368	5,318	2,816	234	66·64	65·38
CENTRAL ...	Ye-u	392	252	135	5	60·00	65·12
	Sagaing	1,170	697	456	17	66 99	60·45
	Lower Chindwin	887	563	320	4	60 24	63·76
	Upper Chindwin	657	428	219	10	70·49	66·15
	Total ...	3,106	1,940	1,130	36	65·31	63·19
SOUTHERN ...	Pakôkku	1,623	1,007	581	35	61·61	63·41
	Minbu	1,148	597	539	12	58·48	52·55
	Magwe	1,289	714	544	31	59·02	56·76
	Total ...	4,060	2,318	1,664	78	60·00	58·21
EASTERN ...	Kyauksè	1,018	680	325	13	67·93	67·66
	Meiktila	1,594	697	852	45	51·36	45·00
	Yamèthin	2,384	1,415	864	105	58·59	62·09
	Myingyan	1,710	839	798	73	57·02	51·25
	Total ...	6,706	3,631	2,839	236	58 06	56·12
	GRAND TOTAL ...	22,240	13,207	8,449*	584	62·82	60·99

* Inclusive of 1,111 persons whose cases were compounded.

There is a further falling off in the percentage of conviction.

Last year I suggested the exclusion of compounded cases from the calculations, but it was decided that this could not be done, and that the number of compounded cases should merely be noted.

According to the reports the number of persons whose cases were compounded was 1,111 and, if this number be deducted from the total, the percentage of conviction would be 64·28, but there are no previous statistics for comparison and it may be doubted whether all compounded cases have been reckoned. Perhaps the question might be reconsidered for the sake of getting at the real working of the courts. The monthly return of criminal cases enables me to control this to a certain extent, but general results can only be obtained from the annual statements,

If the law allows a criminal offence to be settled between the parties as if it were no more than a private civil injury, it is not easy to understand the object of keeping it to swell the statistics of crime. Similarly, when judicial enquiry shows that an alleged offence has never been committed at all it would seem advisable to leave the case and all connected with it out of statements intended to record the results of the trial of offences which have actually been committed.

If information is required about compounded offences and cases in which there has been the commission of no offence whatever it could be prepared separately.

If Magistrates make a proper examination of complainants and exercise due discretion in entertaining complaints, the number of acquittals and discharges will of course be reduced and trouble and inconvenience will be saved to a good many persons who would otherwise be harassed, but no amount of care on the Magistrate's part will prevent the number of acquittals and discharges being raised indefinitely by the system of compounding, and where there is no such control the inclusion of cases of the kind in judicial statistics cannot be otherwise than misleading. The District Magistrate, Myingyan, is inclined to think that Magistrates are too prone to allow cases to be compounded. This must apply to those offences which are compoundable, but only so with the permission of the court, as the court has no control over others. It is my opinion too that offences of the kind are often permitted to be compounded without sufficient reason, and I have had to interfere in several instances of this sort. I have found it necessary besides to require Magistrates to record their reasons when they give such permission in order to be able to see at once whether they have exercised a proper discretion or not.

The Northern division continues to exhibit the best average of conviction, though it is not so good as last year. Katha stands highest with 71·65 per cent. and Mandalay has improved; Shwebo is bad with 51·66, and Minbu with 52·55 and Myingyan with 51·25 are about on the same level. Meiktila is worst with 45 per cent.

The Commissioner, Eastern Division, does not attempt to ascertain the true value of the percentages because he thinks the task impossible so long as compounded cases are shown as true and acquittals and discharges are not correctly classified as true and false cases. He points out that the percentage of convictions is good in Kyauksè, because the District Superintendent of Police devotes much care and attention to the investigation of cases.

The police are often very careless in the manner in which cases are sent up for trial, but I do not find that Magistrates as a rule are in the habit of letting cases fall through for want of the evidence of witnesses who should have been included by the police. The Commissioner, Central Division, says Magistrates now understand their duty in this respect. On the whole it is probable that the poorness of conviction is principally due to the direct cases. In the Bhamo Subdivisional Court the percentage was as low as 30·30, which may be due to some extent to the habits of the Indian population, but is attributed by the District Magistrate to magisterial idiosyncracies. In Salin, Minbu, the percentage was 32·8, which is said to be owing to the large number of compounded cases. In Kyauksè it was 49·6 and in Dabwin it was as low as 25. In this last court the cases were few, but still the District Magistrate should look into the matter. The percentage is, however, higher than last year.

There is no doubt that in a certain number of cases the accused are improperly discharged or acquitted by the Magistrates, and there has had to be some interference by the High Court on this account.

It would be useful to teach the police systematically how cases should be sent up for trial. The effect of greater care on their part can be seen where the percentage of conviction has risen, as in the Lower Chindwin and other districts.

As to the results in Pakôkku the Commissioner, Southern Division, says that the small percentage of conviction under the heads of robbery and dacoity is a great deal due to the extraordinary way of working of the police, such grave suspicion being thrown on the evidence that it is impossible to convict. This is not the only district in which police action has been suspicious. Even cases

which ought to be clear enough are liable to be spoilt by the anxious attempts of the police to prove too much.

7. The following table shows the cases disposed of by Magistrates under summary powers:—

Division.	Name of district.	Total number of trials.		Number of summary trials.		Percentage of cases tried summarily to total cases tried.
		Cases.	Persons.	Cases.	Persons.	
Northern ...	Mandalay	3,566	4,990	1,873	2,487	52·52
	Bhamo	464	903	23	32	4·96
	Katha	471	796	15	34	3·18
	Ruby Mines	350	583	56	102	16·00
	Shwebo	571	1,057	4	8	·70
	Total ...	5,422	8,329	1,971	2,663	36·35
Central ...	Ye-u	237	398	2	2	·84
	Sagaing	647	1,200	50	52	7·73
	Lower Chindwin ...	465	895	5	16	1·08
	Upper Chindwin ...	380	657	...	...	0·00
	Total ...	1,729	3,150	57	70	3·30
Southern ...	Pakôkku	789	1,605	215	399	27·25
	Minbu	644	1,161	15	29	2·33
	Magwe	674	1,277	16	16	2·37
	Total ...	2,107	4,043	246	444	11·68
Eastern ...	Kyauksè	520	1,062	...	...	0·00
	Meiktila	981	1,681	18	66	1·83
	Yamèthin	1,243	2,296	15	21	1·21
	Myingyan	950	1,735	51	103	5·37
	Total ...	3,694	6,774	84	190	2·27
	Grand Total ...	12,952	22,296	2,358	3,367	18·21

Except in Mandalay and Pakôkku, where there are Benches of Honorary Magistrates, the number of summary trials is insignificant.

Some Burman Magistrates with little judicial work to do have tried cases summarily which had better have been tried regularly, and the exercise of their powers has had to be discouraged.

8. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Code of Criminal Procedure) are shown below :—

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.		Percentage of persons convicted to total number of persons concerned.	
		1892.	1893.	1892.	1893.	1892.	1893.	1892.	1893.
Northern.	Mandalay	107	69	43	7	64	62	59 81	89·86
	Bhamo	2	6	1	1	1	5	50·00	83·33
	Katha	34	9	8	7	20.	2	58 82	22·22
	Ruby Mines	3	6	1	2	2	4	66·67	66·67
	Shwebo	10	7	2	6	8	1	80·00	14·29
	Total ...	156	97	55	23	95	74	60 90	76·29
Central	Ye-u	5	...	4	...	1	...	20·00	...
	Sagaing	4	7	...	7	4	...	100·00	...
	Lower Chindwin	25	6	8	...	17	6	68·00	100·00
	Upper Chindwin	3	7	2	1	1	6	33·33	85·71
	Total ...	37	20	14	8	23	12	62·16	60·00
Southern.	Pakôkku	14	14	6	10	6	4	42·86	28·57
	Minbu	34	9	14	5	20	4	58·82	44·44
	Magwe	23	27	4	9	19	18	82·60	66·67
	Total ...	71	50	24	24	45	26	63·38	52·00
Eastern.	Kyauksè	4	2	3	...	1	2	25·00	100·00
	Meiktila	30	21	13	8	17	13	56·67	61·90
	Yamèthin	49	47	11	12	38	35	77·55	74·47
	Myingyan	2	28	2	15	...	13	...	46·43
	Total ...	85	98	29	35	56	63	65 88	64·29
	Grand Total ...	349	265	122	90	219	175	62 75	66·04

Prosecutions for what may be called bad livelihood cases for the sake of brevity go on diminishing. In 1893 the number of persons proceeded against

was 84 less than in 1892. The total percentage of conviction shows a slight improvement.

In Lower Chindwin and Kyauksè all were convicted, but only a few persons were proceeded against.

In Mandalay 69 prosecutions took place, and the percentage of 89·86 convictions was good. The Commissioner, however, considers the number of prosecutions, even for the population of the town alone, abnormally small and has urged increased activity. The results in Katha, Shwebo, Minbu, and Myingyan were wretchedly poor. In Myingyan the cause assigned is the fear of revenge preventing villagers from coming forward to give evidence.

The bad characters are said to be absolutely unscrupulous and the people had experience at the annexation of the vengeance they could take.

The Commissioner, Eastern Division, admits that the people are fearful of the consequences of giving information, and observes that their sympathies are more generally on the side of the law-breaker than against him, unless they are personally interested in the matter, so that the police can hardly be blamed for want of success.

At the same time he says the number of petty thefts in each district and the small percentage of detection in these cases shows the necessity for working the preventive provisions of the law, if possible, and I think there can be little doubt of the correctness of this view.

The District Magistrate, Lower Chindwin, says a large number of bad characters were dealt with in 1892, and that the effect this has had on offences against property has been remarkable.

In Bhamo the bad characters set the law at defiance by taking the precaution to reside across the frontier.

In Katha the accused are said to have been always able to show that they did work of some sort for a living.

In Ye-u it is stated it would be difficult to put the law into justifiable motion outside Ye-u town. "In fact," observes the District Magistrate, "it would be infinitely easier to pick out covert rebels, biding their time, than idle, vicious men without means of livelihood." This remark must have been written not long before the attack on Chaungu and seems rather appropriate.

In Magwe cases are said to have been sent up carelessly by the police, but the District Magistrate thinks it will be well nigh impossible to obtain convictions if the instructions on the subject of procedure are strictly adhered to.

To some extent the working of the provisions of the Village Regulation supersedes that of the preventive provisions of the Code of Criminal Procedure.

9. This table shows the result of trials before Sessions Judges:—

Sessions divisions.	Cases committed during the year.	Persons committed including pending from previous year.	Number of persons			Percentage of convictions and references (column 4) to total disposed of (columns 4 and 5).
			Convicted or referred under section 374 C. P.	Acquitted.	Died, escaped, transferred, or pending.	
1	2	3	4	5	6	7
Northern, Mandalay	38	57	36	14	7	72·00
Central, Sagaing	17	31	16	11	4	59·26
Southern, Minbu	23	48	30	15	3	66·67
Eastern, Meiktila	9	20	16	3	1	84·21
Total 1893 ...	87	156	98	43	15	69·50
Total 1892 ...	119	219	131	75	13	63·59

These figures show the continued diminution of the more serious forms of crime. There is an improvement in the general percentage of conviction, and this extends to all the divisions except the Central, which stood highest in the previous year and is now lowest. The Sessions Judge, Central Division, complains of the ignorance and incapacity to prosecute of many of the police officers who appear before him, and thinks it probable that if cases were better prosecuted more convictions would be obtained. The largest amount of work fell to the Commissioner, Northern Division. Relief has been given in this division, where the executive work is particularly heavy, by appointing an Additional Sessions Judge, who takes the cases arising in the Mandalay district and can try others when referred to him. Some cases that might have been committed to Sessions have been tried by District Magistrates under their special powers. It does not often happen the other way.

10. Table showing the number of persons referred to Sessions under sections 34 and 123, Criminal Procedure Code.

Sessions division	Number of cases referred.	Number of persons referred.	Number of persons: Convicted.	Acquitted.	Died, transferred, or pending.	Percentage of convictions (column 4) to total disposed of (columns 4 and 5).
1	2	3	4	5	6	7
Northern, Mandalay	45	59	50	2	7	96·15
Central, Sagaing	6	12	12	...	...	100
Southern, Minbu	6	7	7	...	...	100
Eastern, Meiktila	6*	10*	10*	...	...	100
Total ...	63	88	79	2	7	97·53

* Inclusive of 1 case and 1 person pending at the close of 1892.

All convictions and sentences were confirmed except in the Northern division, and there the exception was only 4 per cent. The tendency to confirm goes somewhat too far. It would be better not to confirm in doubtful cases which cannot stand in appeal.

11. The following table shows the results of trials by District Magistrates under their special powers :—

District and name of Magistrate.	Total number of persons brought to trial and disposed of.	Number of persons				Number of persons whose sentences were confirmed by Sessions Court.	Number of persons whose sentences were not confirmed by Sessions Court.		Number of persons whose sentences were reversed or modified by Judicial Commissioner on appeal.			Remarks.
		Referred to Court of Sessions.	Otherwise convicted	Acquitted or discharged.	Total.		Reversed.	Reduced.	Reversed.	Modified.	Total.	
Mandalay, K. G. Burne	24	24	...	...	24	23	...	1	5	...	5	
Bhamo, E. C. S. George	16	12	3	1	16	6	2	4	1	...	1	
Katha, G. Carmichael	24	16(a)	8	...	24	9	...	...	...	...	...	(a) Sentences on seven persons which were referred at the close of the year and which were thus pending in the Sessions Court have since been confirmed.
Ruby Mines, N. G. Cholmeley	6	4	2	...	6	4	...	...	...	...	...	
Shwebo, G. W. Shaw	16	3	10	3	16	3	...	...	1	...	1	
Total ...	86	59	23	4	86	45	2	5	7	...	7	
Ye-u, R. C. Stevenson	4	2	1	1	4	2	...	...	...	...	...	
Sagaing, Major G. S. Eyre	6	...	4	2	6	...	...	...	...	...	...	
Lower Chindwin, N. C. Perkins ...	10	10	...	...	10	10	...	...	...	...	...	
Upper Chindwin, W. N. Porter	...	...	...	...	...	...	...	...	...	...	...	
Total ...	20	12	5	3	20	12	...	...	...	...	...	
Pakôkku { A. R. Birks	2	2	...	...	2	2	...	...	...	1	1	
Pakôkku { S. H. T. de la Courneuve ...	1	1	...	...	1	1	...	...	...	...	...	
Minbu { H. S. Hartnoll, D. L. M. Mackay, and B. K. S. MacDermott }	24(b)	1	14	8	23	1	...	...	...	...	...	(b) One committed.
Magwe, Captain H. A. Browning ...	8	1	6	1	8	1	...	...	...	...	...	
Total ...	35	5	20	9	34	5	...	...	...	1	1	
Kyauksè, Captain A. W. A. Strickland ...	1	1	...	...	1	1	...	...	...	...	...	
Meiktila, H. Adamson	27	8	8	11	27	8	...	...	...	5	5	
Yamethin, Lieutenant-Colonel T. M. Jenkins	22	...	10	12	22	...	...	...	...	...	...	
Myingyan, D. Ross and Major F. D. Raikes	2	2	...	...	2	2	...	...	2	...	2	
Total ...	52	11	18	23	52	11	...	...	2	5	7	
Grand Total ...	193	87	66	39	192	73*	2	5	9	6	15	Note.—All pending cases have been left out.

* Exclusive of 1 case and 1 person pending at the close of 1892, but disposed of in 1893 and shown in table at page 18.

As in the case of Courts of Sessions the considerable diminution in the figures in the above table shows the decrease of serious crime. This is particularly noticeable in Bhamo and Kàthà, which no longer head the list. The District Magistrates, Meiktila, Mandalay, Minbu, Katha, and Yamèthin, tried the largest number of persons under their special powers.

The number of acquittals and discharges in Yamèthin, Meiktila, and Minbu is unsatisfactorily large. No doubt, however, the work done is in part the preliminary sifting which cases have to go through before a Magistrate would commit them to the Court of Sessions.

The general correctness of the results is exhibited in the small amount of interference on reference and appeal.

SECTION III.—PUNISHMENT.

12. Statement No. 5 shows details of the punishments inflicted by Sessions and Magisterial Courts during the year.

The following table compares the sentences passed in Sessions Courts in the past two years:—

Punishments in Sessions Courts.

Class of punishment.	1892.	1893.
Death	11	29
Transportation for life	45	27
Transportation for a term	15	27
Rigorous imprisonment only	42	70
Simple imprisonment only	1	1
Fine only	1	1
Whipping only	2	...
Fine and whipping only	...	...
Rigorous imprisonment with fine	10	13
Rigorous imprisonment with whipping	7	9
Simple imprisonment with fine	...	...
Total ...	134	177

Sentences of death have increased by 18, while those of transportation for life have decreased by 18. There have been more convictions for murder and fewer for crimes such as dacoity.

Of the 29 sentences of death 26 were confirmed. In one of the remaining three cases the conviction was reversed, in the other two the sentences were reduced.

13. The following table shows the different classes of punishments inflicted in Magisterial Courts :—

Division.	Name of district.	Total number of persons punished.	Fine only.		Whipping only.		Fine and whipping only.		Rigorous imprisonment only.		Simple imprisonment only.		Rigorous or simple imprisonment with fine or whipping or both.		Solitary confinement.		Remarks.
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	
Northern	Mandalay ...	3,206	2,646	82·53	138	4·31	...	...	317	9·89	4	·12	84	2·62	17	·53	
	Bhamo ...	510	338	66·27	40	7·84	...	...	71	13·92	6	1·18	49	9·61	6	1·18	
	Katha ...	517*	263	50·87	61	11·80	...	...	120	23·21	8	1·55	48	9·29	15	2·90	
	Ruby Mines ..	376	208	55·32	36	9·58	...	...	45	11·97	2	·53	41	10·90	44	11·70	
	Shwebo ...	525	332	63·24	41	7·82	...	...	114	21·71	10	1·90	23	4·38	5	·95	
	Total ...	5,134*	3,787	73·76	316	6·16	...	...	667	12·99	30	·58	245	4·77	87	1·69	
Central	Ye-u ...	241	184	76·35	8	3·32	...	...	35	14·52	2	·83	6	2·49	6	2·49	
	Sagaing ...	671†	454	67·66	46	6·86	...	...	119	17·73	23	3·43	21	3·13	7	1·04	
	Lower Chindwin	541	411	75·97	21	3·88	...	...	91	16·82	10	1·85	8	1·48	...	...	
	Upper Chindwin	421	247	58·67	33	7·84	...	...	110	26·13	20	4·75	11	2·61	...	...	
	Total ...	1,874†	1,296	69·16	108	5·76	...	...	355	18·94	55	2·94	46	2·45	13	·69	
Southern	Pakôkku ...	984	801	81·40	25	2·54	...	...	132	13·41	4	·41	21	2·13	1	·10	
	Minbu ...	548	348	63·50	55	10·04	...	...	119	21·72	7	1·28	17	3·10	2	·36	
	Magwe ...	667‡	463	69·42	55	8·25	...	...	126	18·89	1	·15	17	2·55	4	·60	
	Total ...	2,199‡	1,612	73·31	135	6·14	...	...	377	17·14	12	·55	55	2·50	7	·32	
Eastern	Kyauksè ...	671	448	66·76	35	5·22	...	...	124	18·48	17	2·53	46	6·86	1	·15	
	Meiktila ...	667	465	69·71	27	4·05	...	...	130	19·49	7	1·05	36	5·40	2	·30	
	Yamèthin ...	1,385	1,091	78·77	78	5·63	...	...	176	12·71	8	·58	20	1·45	12	·87	
	Myingyan ...	823	562	68·28	40	4·86	...	...	150	18·23	13	1·58	51	6·20	7	·85	
	Total ...	3,546	2,566	72·36	180	5·08	...	...	580	16·36	45	1·27	153	4·31	22	·62	
	Grand Total	12,753§	9,261	72·62	739	5·80	...	...	1,979	15·52	142	1·11	499	3·91	129	1·01	

* Includes two boys whose sentences were commuted to detention in Reformatory school.
† Includes one boy whose sentence was commuted to detention in Reformatory school.
‡ Includes one boy whose sentence was commuted to detention in Reformatory school.
§ Includes four boys whose sentences were commuted to detention in Reformatory school.

The proportion of fine only to other forms of punishment has risen as is natural in the more settled state of the country. In Bhamo it has gone up from 47·19 to 66·27, in the Ruby Mines from 48·80 to 55·32, in Ye-u from 51·97 to 76·35.

There has been a decrease in the percentage of both imprisonment only and imprisonment combined with fine or whipping.

Sentences of simple imprisonment only have decreased somewhat. It has been pointed out to the courts that the question whether a prisoner is fit to undergo hard labour or not is best left to the jail authorities. Magistrates sometimes impose simple imprisonment out of ignorance because the word 'imprisonment' only is used in enactments passed since the General Clauses Act.

The percentage of sentences of solitary confinement has also gone down. It may be doubted whether this description of imprisonment has much effect in Burma.

The proportion of whipping to other punishments has increased from 4·83 in 1892 to 5·79.

The highest ratio is in Katha, the lowest in Pakôkku. The fall of the percentage of whipping in Meiktila is explained by the District Magistrate to be due to the decrease of cases of housebreaking and lurking house-trespass, thefts and receiving stolen property.

The District Magistrate, Shwebo, deems it doubtful whether whipping has a very deterrent effect on the Upper Burman, who is used to corporal punishment.

The District Magistrate, Pakôkku, considers that whipping as administered at outstation courts is no punishment at all, but the Commissioner thinks it better to inflict whipping even under these circumstances for petty theft, &c., than to send the offenders to jail.

The District Magistrate, Kyauksè, also takes the view that whipping in outstations is inefficacious.

If this opinion is well founded it is surely possible for District Magistrates to devise a remedy without having offenders forwarded to jail. In the case of young offenders especially it is very desirable to confine punishment to whipping if possible and to give them a chance of reformation without the stigma of imprisonment.

14. The degrees of punishment in Sessions and Magisterial Courts are given below.

Degrees of punishments in Sessions and Magisterial Courts.

Degrees of punishment.	1892.		1893.	
	Persons.	Percentage.	Persons.	Percentage.
Imprisonment.				
Not exceeding 15 days	321	8·97	265	9·31
Not exceeding 6 months	2,030	56·75	1,629	57·22
Not exceeding 2 years	933	26·08	695	24·41
Not exceeding 7 years	286	8·00	256	8·99
Exceeding 7 years	7	·20	2	·07
Total ...	3,577	100·00	2,847	100·00
Whipping.				
Ten stripes and under	182	22·47	140	16·17
Eleven to 20 stripes	347	42·84	429	49·54
Twenty-one to 30 stripes	281	34·69	297	34·29
Total ...	810	100·00	866	100·00
Fine.				
Rupees 10 and under	7,163	69·18	6,751	69·92
Rupees 50 and under	2,692	26·00	2,539	26·29
Rupees 100 and under	373	3·60	274	2·84
Rupees 500 and under	117	1·13	91	0·94
Rupees 1,000 and under	9	·09	...	0·00
Exceeding Rs. 1,000	...	...	1	0·01
Total ...	10,354	100·00	9,656	100·00

The tendency still is for imprisonment for short terms to increase as is natural with the change in the character of crime.

There is a satisfactory decrease of sentences of whipping of ten stripes and under. Such punishment can rarely be deterrent except in the case of young boys.

In Shwebo there were no whippings of less than 10 stripes, and in the Upper Chindwin only one, but in Myingyan, notwithstanding the orders on the subject, they increased. Fines under Rs. 10 in amount have increased but slightly, the percentages generally varying but little from those of the year before. The average amount of fine was Rs. 13-9-0 as against Rs. 15-10-8 (not Rs. 21 which was an error in the report) in the previous year.

Magistrates generally exercise more discretion than they used to do in the imposition of fines, but many Burman Magistrates are still inclined to inflict excessively and unnecessarily heavy penalties, perhaps because it seems to them to give greater importance to the proceedings to do so.

15. The next table shows how habitual offenders have been dealt with in the Criminal Courts.

Number of times previously convicted.	Number of persons sentenced to									
	Transportation.	*Imprisonment otherwise than in default of fine.*						Fine only.	Whipping only.	Total.
		Above seven years.	Seven years and under.	Two years and under.	Six months and under.	Two months and under.	Fifteen days and under.			
1	2	3	4	5	6	7	8	9	10	11
Persons previously convicted once ...	...	1	24	47	33	4	4	11	12	136
Persons previously convicted twice ...	...	...	26	32	7	...	5	6	5	81
Persons previously convicted three times	...	...	14	7	7	...	3	6	6	43
Persons previously convicted four times	...	...	...	...	...	...	...	...	...	...
Persons previously convicted five times	...	...	...	...	...	...	...	...	...	...
Persons previously convicted six times	...	...	...	...	...	...	...	...	...	...
Persons previously convicted seven times	...	...	...	...	...	...	...	...	...	..
Persons previously convicted nine times	...	...	...	..	...	...	...	...	...	..
Total ...	...	1	64	86	47	4	12	23	23	260

The disposal of habitual offenders is far from satisfactory. Magistrates are naturally reluctant to impose long sentences for comparatively trivial offences, but the consequence of light sentences on persons who have been convicted before is that the same offenders are brought up over and over again. There is undoubtedly a class of criminals whose reformation appears hopeless. In the Mandalay jail I have found habituals constituting about 13 per cent. of the entire jail population. In Yamèthin I found the percentage about 17 or 18 per cent. This is a very considerable proportion. The subject is serious and calls for remedial measures which, it is to be hoped, the proposed legislation regarding it will provide.

16. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years and the amount of compensation given to complainants is shown below :—

	1892.			1893.		
	Rs.	A	P.	Rs.	A	P.
Imposed	1,62,231	1	8	1,30,981	14	0
Realized	1,29,116	8	3	1,12,739	11	0
Remitted	8,742	4	0	10,632	3	2
Struck off	53,302	0	5	30,004	15	1
Compensation granted	9,663	12	11	8,622	10	8

The greater discretion with which fines have been imposed is shown in the increased percentage of realization which has risen from 79·59 to 86·07.

There has been a very large decrease in the amount of fines imposed in Sagaing, which the Deputy Commissioner puts down partly to more reasonable fines being inflicted, the subordinate Magistrates of this district having been pre-

viously mentioned as fining recklessly, and partly to the falling off in the prosecutions for petty offences.

In Katha Magistrates are said to have taken care to moderate the amount of fine imposed in petty cases, and in Pakôkku fines are stated to have been more judiciously imposed.

The Commissioner, Eastern Division, remarks the percentage of realization of fines is good and shows that Magistrates have been careful to proportion penalties to the means of the people.

The Commissioner, Central Division, says more stringent measures are taken for realization.

In Bhamo a large proportion of the fines is imposed in smuggling cases, in which the real culprits escape while men of straw are put forward to incur the penalty of the law and the fine cannot be recovered because they have no means or their property is in China.

Fine has been much less resorted to in the Upper Chindwin, but the reason is not given.

The increase in fines under Rs. 10 in Ye-u is taken by the Commissioner as an indication how very little serious crime there is there. In Magwe heavier fines have been imposed, it is said, instead of imprisonment, the removal of scarcity enabling the people to pay them.

The ratio of amount of compensation awarded to amount of fines imposed is 6·58, while in 1892 it was 5·96.

Compensation should be freely given whenever proper, but no doubt it is frequently awarded without due regard to the fitness of things, and excessive liberality is liable to lead to abuse.

The Deputy Commissioner, Upper Chindwin, thinks the reduction of the amount awarded in compensation in his district is a step in the right direction as compensation is an incentive to lay charges of petty injury and sometimes to prefer false or exaggerated charges.

The District Magistrate, Pakôkku, also considers that subordinate Magistrates are apt to award compensation too readily.

The use of the fine register was not brought in till the beginning of last year. It provides a useful check, but it depends upon the presiding officers of courts whether it is made efficacious through observance of the rules or not.

A fine of Rs. 100 was embezzled in Myingyan in consequence of disobedience of standing orders for which the clerks and others concerned have been punished or held responsible.

The Commissioner, Central Division, believes that payments are not entered in the registers immediately as they should be, and that the money is not infrequently kept for days in the hands either of the bailiff or the court clerks or the peons. If this happens the Magistrates are responsible for the breach of rules. Special attention has been called to the instructions on the subject.

SECTION IV.—WITNESSES.

17. The next table shows the detention of witnesses in Sessions and Magisterial Courts and the number of witnesses examined.

Examination and detention of Witnesses in Sessions and Magisterial Courts.

Witnesses discharged in all courts.	1892.		1893.		Number of witnesses examined.	
	Number.	Percentage to total witnesses discharged.	Number.	Percentage to total witnesses discharged.	1892.	1893.
First day	38,267	88·59	34,236	82·02	...	...
Second day	3,584	8·30	5,795	13·88	...	...
Third day	862	1·99	1,228	2·94	...	...
After third day	483	1·12	482	1·16	...	...
Total ...	43,196	100·00	41,741	100·00	37,393	34,446

The number of witnesses attending court and examined are of course smaller with the smaller number of cases than in the year before. The figures exhibiting detention are not so favourable as they were in 1892. This result is partly due to more accurate registration, but it is also owing to causes under control by the courts, such as defective arrangements for carrying on work. In Sessions cases in the Central division in some instances delay was caused by postponements, and witnesses were unnecessarily detained by being all summoned for the first day.

The increased detention in Myingyan has not been accounted for as it ought to have been.

More attention has been paid to the keeping of the witness register in which it used to be the practice, as in Bhamo, to enter a witness once for all as detained one day, however long the real detention.

The Commissioner, Central Division, thinks detention is very satisfactory and pretty fairly correct.

The District Magistrate, Pakôkku, says detention has greatly improved. Detention in Yamèthin is stated to have been raised by numbers of witnesses having been brought to the District Magistrate's court during his absence from headquarters. Generally speaking criminal cases are not allowed to stand over on account of other work unless it is very pressing.

Witnesses are paid more regularly and promptly than they used to be, though there is still room for improvement. The provision of permanent advances mentioned in last report has contributed to this result.

In Pakôkku all witnesses are said to be paid, which the Commissioner does not understand.

I have found that witnesses often leave court without waiting to be paid their expenses.

This must be owing to bad arrangement and delay which can easily be avoided. If District Magistrates find this occurs they should take stringent measures with the bailiffs or other disbursing officers.

18. The following table shows the average duration of cases brought to trial and disposed of by Magistrates :—

Division.	Name of district.	Number of cases disposed of.	Total duration.	Average duration of all cases.	
				1892.	1893.
Northern ...	Mandalay	3,566	24,236	4	7
	Bhamo	464	3,980	6	9
	Katha	4[illegible]	3,516	6	7
	Ruby Mines	350	2,718	8	8
	Shwebo	571	4,059	10	7
	Total ...	5,422	28,509	5	7
Central ...	Ye-u	237	2,085	10	9
	Sagaing	647	6,179	9	10
	Lower Chindwin	465	2,785	5	6
	Upper Chindwin	380	4,804	9	13
	Total ...	1,729	15,853	8	9
Southern ...	Pakôkku	789	9,607	9	12
	Minbu	644	5,524	9	9
	Magwe	674	5,774	8	9
	Total ...	2,107	20,905	9	10
Eastern ...	Kyauksè	520	3,160	5	6
	Meiktila	981	6,276	8	6
	Yamèthin	1,243	10,563	8	8
	Myingyan	950	10,021	7	11
	Total ...	3,694	30,020	8	8
	Grand Total ...	12,952	105,287	7	8

Average duration has risen from 7 to 8 days. The increase is common to all the divisions, except the Eastern, and to most districts, except Shwebo, Ye-u, and Meiktila, where duration has decreased. The increase is distribution unsatisfactory as indicating want of proper method and arrangement in the and disposal of criminal work.

But increased duration is due also in a great measure to greater accuracy of calculation.

In Myingyan durations were incorrectly calculated in the previous year, it is said, and calculations are often found to be wrong, because, as the Commissioner, Eastern Division, notes, Magistrates will not realize that they are personally responsible for the correctness of the entries in their registers and will not check them before initialling. He believes, however, that the figures of the year under report are fairly accurate. The Deputy Commissioner, Mandalay, is of the same opinion.

In districts like the Upper Chindwin where distances are long and communication difficult, a considerable duration is unavoidable. In the Lower Chindwin the general increase of duration is not accounted for. In the District Magistrate's Court it was owing to four prolonged cases.

The District Magistrate, Ye-u, has made a special report explaining case by case why delay occurred. In Pakôkku delay is attributed to frequent changes of officers and to unusual floods which interfered with travelling.

The requirement that the duration of a case should be reckoned from the date of the arrest of the accused by the police of course affects the returns considerably.

In Meiktila the police are said to spend many days in the investigation of cases of serious crime. The Deputy Commissioner, Shwebo, observes that the police are "very dilatory in bringing their investigations to a conclusion and their cases to trial."

It may be doubted whether this system of calculation is advantageous. Even if a Magistrate could effectively control the action of the police through the power of granting or withholding remands, it does not follow that it is the Magistrate to whom the police go for remand that tries the case.

19. The duration of cases tried by Courts of Sessions in the past two years calculated from the day of commitment is given below :—

Sessions division.	Number of cases tried.	Total duration.	Average duration.	
			1893.	1892.
Sessions Judge, Northern Division	38	1,667	44	63
Sessions Judge, Central Division	17	657	39	42
Sessions Judge, Southern Division	23	1,533	67	43
Sessions Judge, Eastern Division	10	222	22	30
Total ...	88	4,079	46	50

The average duration of Sessions cases has considerably decreased in all divisions except the Southern, where the long illness of the accused under trial in one case is stated to be the cause of the increase.

The Sessions Judge, Eastern Division, will hardly be able to maintain the low duration of 22 days since the addition of Myingyan to his division.

SECTION V.—APPEALS.

20. The number of appeals disposed of last year as compared with the previous year is shown below :—

Appellate Court.	1892.	1893.
District Magistrates and Magistrates specially empowered to hear appeals ...	97	203
Sessions Judges	526	580
Judicial Commissioner	177	129
Total ...	800	912

Appeals to District Magistrates have of course increased with the alteration in the law in Upper Burma assimilating it to that in force in India generally under the Code of Criminal Procedure. Appeals to the Court of Sessions have risen a little, perhaps because Magistrates of the first class have tried more cases.

Appeals to the High Court have decreased with the decrease of the graver forms of crime.

The former Criminal Justice Regulation was repealed, and a new Regulation introduced with effect from the beginning of the year 1893. In regard to appeal the law was thus put on the footing it is in the Code of Criminal Procedure except in regard to cases tried by Courts of Sessions and District Magistrates in which a sentence is passed not exceeding imprisonment for six months or fine up to Rs. 500 or whipping or a combination of those punishments.

Very little advantage has been taken of the alteration in some districts.

In Pakôkku there were only three appeals the whole year, in Ye-u 2, in the Upper Chindwin 1, and in the Ruby Mines *nil*.

In Katha certain cases in which an appeal lay to the District Magistrate are said to have been sent to and disposed of by the Sessions Judge. It does not appear how this could be done. The present District Magistrate has not been able to explain the matter, which was mentioned by his predecessor.

In Pakôkku Magistrates are credited with having exercised their powers in a moderate and judicious manner.

In Shwebo and Magwe appeals have more than doubled. There is said to be a tendency in Magwe to impose unduly heavy fines in excise cases.

In Meiktila appeals have increased from 3 to 16, in Mandalay from 5 to 37.

21. The result of appeals disposed of by District Magistrates and Sessions Judges are shown in the next table.

Results of Appeals.

Class of Appellate Courts.		Total cases disposed of.	Total appellants disposed of.	Persons whose: Appeals were rejected.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.	Remarks.
Northern.	Mandalay	37	48	...	32	3	1	11	66 67	One new trial ordered.
	Bhamo	8	8	3	2	...	...	1	62·5	Two new trials ordered.
	Katha	9	10	...	10		..	..	100·00	
	Ruby Mines	...	.	...	..	...	...	...		
	Shwebo	11	16	10	.	5	...	1	62·5	
	Sessions Judge	219	289	116	79	41	2	47	67·47	Four new trials ordered.
	Total	284	371	129	123	49	3	60	67 92	Seven new trials ordered.
Central.	Ye-u	2	2	...	1	1	...	...	50	
	Sagaing	7	7	1	3	..	...	2	57·14	Three pending and one quashed.
	Lower Chindwin	10	11	...	7	3		1	63 64	
	Upper Chindwin	1	1	...	.	1	...	..	..	
	Sessions Judge	76	102	41	19	13	7	17	58 82	Five new trials ordered.
	Total	96	123	42	30	18	7	26	58·54	Five new trials ordered, one proceedings quashed, and three pending.
Southern.	Pakôkku	3	5	1	1	...	...	3	40	
	Minbu	19	28	...	7	9	1	11	25	
	Magwe	14	22	1	13	6	...	1	63 64	One pending and one further enquiry ordered.
	Sessions Judge	137	178	83	42	20	...	33	70·22	
	Total	173	233	85	63	35	1	48	63·52	One pending and one further enquiry ordered.
Eastern.	Kyaukse	18	23	...	18	...	1	3	78 26	One new trial ordered.
	Meiktila	16	37	14	10	1	..	12	64 86	
	Yamethin	18	24	1	14	3	...	6	62·5	
	Myingyan	30	41	.	21	13	...	3	51·22	Four new trials ordered.
	Sessions Judge	148	181	...	120	35	..	26	66 30	
	Total	230	306	15	183	52	1	50	64·71	Five new trials ordered.
Grand Total		783	1,033	271	399	154	12	178	64 86	Seventeen new trials and one further enquiry ordered, one proceedings quashed, and four pending.

The appellate work of the Sessions Court, Northern Division, continues much the heaviest, as might be expected.

The percentage of interference by Courts of Sessions, with convictions and sentences was least in the Southern division 29·78 and greatest in the Central division 41·18. The Sessions Judge, Central Division, ascribes this result to seven cases in which illegal or inappropriate sentences had been passed.

The number of appeals to District Magistrates is usually too small to serve as a criterion, but in Myingyan and Minbu the appeals were fairly numerous, and in the former the cases of nearly half the appellants were interfered with and in the latter about 75 per cent. This is not surprising, having regard to the inferiority of most of the subordinate Burman Magistrates in these districts.

In Mandalay, where there were most appeals, only a fourth of the appellants were successful.

For all courts the total of cases completely upheld was over half the number of appellants, which is a favourable result.

The Sessions Judge, Northern Division, considers that some Magistrates are promoted to the first class before being qualified for it.

There is no doubt a tendency to recommend Magistrates for promotion somewhat early in order to relieve the strain on other officers.

22. Result of appeals disposed of by the Judicial Commissioner, Upper Burma, during the year 1893.

Class of Appellate Court.	Total cases disposed of.	Total appellants disposed of.	Persons whose: Appeals were rejected.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.	Remarks.
Judicial Commissioner, Upper Burma.	128	142*	98	16	14	...	17	76·06	

One new trial ordered; two convicted on appeal from judgments of acquittal.

SECTION VI.—REVISION AND REFERENCE.

23. Reference to Judicial Commissioner under section 374, Criminal Procedure Code:

Reference by whom made.	Sentences: Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Sessions Judge, Northern Division ...	15	10	1	1	3
Sessions Judge, Central Division ...	4	4	...	...	...
Sessions Judge, Eastern Division ...	6	6	...	...	...
Sessions Judge, Southern Division ...	4	4	...	...	...
Total ...	29	24	1	1	3

The only sentence reduced was that of a young Kachin who took part in a hill raid.

24. Reference to Judicial Commissioner under section 438, Code of Criminal Procedure.

Division.	Reference by whom.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were				Pending		New trial ordered.	Proceedings quashed.	Remarks.
				Confirmed.	Enhanced.	Reduced.	Reversed.	Cases.	Persons.			
Northern.	District Magistrate, Mandalay.	13	23	18	...	1	1	...	...	3	...	
	District Magistrate, Bhamo.	3	4	...	...	4	...	...	...	...	...	
	District Magistrate, Katha.	5	22	17	...	1	...	...	...	4*	...	*Four further enquiries ordered.
	District Magistrate, Ruby Mines.	2	5	2	...	...	3	...	...	...	...	
	District Magistrate, Shwebo.	3	10	8	...	1	1	...	...	...	...	
	Sessions Judge, Northern Division.	33	70	38	2	2	17	2	3	8†	...	†Five further enquiries ordered.
	Total ...	59	134	83	2	9	22	2	8	15‡	...	‡Nine further enquiries ordered.
Central.	District Magistrate, Ye-u.	4	4	3	...	...	1	...	...	...	...	
	District Magistrate, Sagaing.	...	...	...	...	...	...	...	...	...	...	
	District Magistrate, Lower Chindwin.	...	...	...	...	...	...	...	...	...	...	
	District Magistrate, Upper Chindwin.	5	16	13	...	...	3	...	...	...	...	
	Sessions Judge, Central Division.	10	25	5	...	5	15	...	...	...	...	
	Total ...	19	45	21	...	5	19	...	...	...	...	
Southern.	District Magistrate, Pakôkku.	7	16	15	...	...	...	...	...	1	...	
	District Magistrate, Minbu.	5	10	7	...	3	...	...	...	...	...	
	District Magistrate, Magwe.	5	13	7	...	1	...	...	...	3	2	
	Sessions Judge, Southern Division.	39	75	22	1	...	33	1	1	8	10	
	Total ...	56	114	51	1	4	33	1	1	12	12	
Eastern.	District Magistrate, Kyauksè.	5	7	5	...	...	1	1	1	...	...	
	District Magistrate, Meiktila.	9	9	3	...	...	1	1	1	4§	...	§Three further enquiries ordered.
	District Magistrate, Yamèthin.	4	4	4	...	...	...	...	...	...	...	
	District Magistrate, Myingyan.	...	...	...	...	...	...	...	...	...	...	
	Sessions Judge, Eastern Division.	15	33	8	...	14	13	...	...	...	...	
	Total ...	33	53	20	...	14	13	2	2	4‖	...	‖Three further enquiries ordered.
	Grand Total ...	167	346	175	3	32	87	5	6	31	12¶	¶Twelve further enquiries ordered.

25. Cases called for by the Judicial Commissioner, Upper Burma, on his own motion under section 435, Code of Criminal Procedure.

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were				Pending.		New trials ordered.	Proceedings quashed.	Remarks.
				Confirmed.	Enhanced.	Reduced.	Reversed.	Cases.	Persons.			
Northern.	Mandalay ...	206	255	187	1	21	5	24	29	2	9	One further enquiry ordered.
	Bhamo	42	65	54	...	2	6	...	...	...	3	
	Katha	68	81	67	...	5	3	5	5	...	1	
	Ruby Mines ...	42	56	41	...	2	4	1	3	1	5	
	Shwebo	69	98	80	...	14	2	...	...	1	1	
	Sessions Judge ...	...	...	...	...	...	...	...	...	...	...	
	Total ...	427	555	429	1	44	20	30	37	4	19	One further enquiry ordered.
Central.	Ye-u	33	44	30	...	1	...	3	3	1	9	
	Sagaing	144	184	136	...	15	7	3	3	14	6	Three further enquiries ordered.
	Lower Chindwin ...	56	71	63	...	6	...	1	1	...	1	
	Upper Chindwin ...	69	96	73	...	11	1	8	8	...	3	
	Sessions Judge ...	...	...	...	...	...	...	...	...	...	...	
	Total ...	302	395	302	...	33	8	15	15	15	19	Three further enquiries ordered.
South-ern.	Pakôkku	93	157	113	3	10	9	6	20	...	2	
	Minbu	92	115	105	...	...	2	6	6	...	2	
	Magwe	79	107	81	...	5	2	6	8	...	11	
	Sessions Judge ...	...	1	1	...	...	...	...	...	...	...	
	Total ...	265	380	300	3	15	13	18	34	...	15	
Eastern.	Kyauksè ...	96	124	85	2	10	10	5	7	1	9	
	Meiktila ...	77	114	85	...	3	6	10	15	1	4	
	Yamèthin ...	108	146	111	...	15	2	11	13	1	4	
	Myingyan ...	107	144	112	1	5	10	8	8	...	8	
	Sessions Judge ...	1	1	1	...	...	...	...	...	...	...	
	Total ...	389	529	394	3	33	28	34	43	3	25	
	Grand Total	1,383	1,859	1,425	7	125	69	97	129	22	78	Four further enquiries ordered.

It has been unnecessary to call for so many cases in revision as in the previous year, partly because of the alteration of the law relating to appeal, partly because of improvement in the work of Magistrates, and partly because of the attention paid to revision by Sessions Judges and District Magistrates.

It is desirable that where revision is required the work should be done by District Magistrates when possible, as it is under the Criminal Justice Regulation when Magistrates of the second and third classes are concerned.

If cases come up to the High Court there is liable to be delay and trouble in serving notices and so on. Parties, however, are never called up to Mandalay if it can be avoided, but are allowed to appear before the Magistrate of the district where they reside to show cause or make whatever representation the occasion may require.

As in the previous year cases under section 285, Indian Penal Code, in which the mere burning of a man's house is taken as presumptive evidence of his guilty negligence, have called for a certain amount of interference.

It is to be hoped that, as in the Upper Chindwin district, Magistrates generally have issued orders "tending to minimize the hardships sometimes inflicted in cases of negligence by fire by injudicious prosecutions on the part of the police." Excessive fines in assault cases have frequently had to be reduced. Excise cases have required a good deal of supervision, and also opium and gambling cases to a certain extent.

Prosecutions under the Forest Regulation have generally been duly looked after by District Magistrates. The procedure of the Police Act is a constant stumbling block to Magistrates, and they are also apt to go wrong under the Municipal Regulation. It appears open to question whether criminal procedure with respect to the enforcement of pecuniary penalties might not be made more uniform and simple. The pitfalls of the law are quite plentiful enough without this particular one in the way of Magistrates to tumble into.

26. Result of applications for revision made to Sessions Judges and District Magistrates.

Class of courts whose orders were the subject of revision.	Number of persons who applied for revision including those pending from previous years.	Number of persons with respect to whom						Remarks.
		Applications were rejected.	Committal was ordered under section 436, C. C. P.	Further enquiry was ordered under section 437, C. C. P.	Reference was made to High Court under section 438 or to District Magistrate under section 435, C. C. P.	Applications were pending.	Total.	
Special Magistrates, section 14, Criminal Procedure Code.	...	...	...	...	.....	...	...	
Stipendiary Magistrates ...	280*	208	...	17	37	8	270	
Honorary Magistrates, including Benches.	...	...	...	...	.....	...	...	
Total ...	280*	208	...	17	37	8	270	

* Six reversed; four proceedings quashed.

27. Revision work done by Sessions Judges and Magistrates otherwise than on applications for revision.

Revising Court.	Number of cases called for and examined under section 435, C. C. P.	Number of cases in which committal was ordered under section 436, C. C. P.	Number of cases in which further enquiry was ordered under section 437, C. C. P.	Number of cases referred to the High Court under section 438 or to the District Magistrate under section 435, C. C. P.	Pending cases.	Remarks
Sessions Court	753	...	...	357	69	
District Magistrate	498	1	19	105	21	
Subdivisional Magistrates specially empowered under section 435, Criminal Procedure Code.	...	...	...	.....	...	
Total ...	1,251	1	19	462	90	

28. Results of revision work done by District Magistrates under the provisions of the Criminal Justice Regulation.

Name of district.	Number of cases called for on application.	Number of cases called for on the District Magistrate's own motion.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
1	2	3	4	5	6	7	8	9	10	11
Mandalay ...	24	...	26	26	...	...	...	...	...	(a)
	...	339	787	722	18	26	19	2	2	(b)
Bhamo ...	8	...	59	54	...	3	2	...	...	(a)
	...	22	37	26	...	1	10	...	...	(b)
Katha ...	2	...	2	1	...	1	...	...	...	(a)
	...	77	106	89	...	2	8	4	5	(b) Two new trials ordered.
Ruby Mines ...	...	...	...	...	...	...	...	...	...	(a)
	...	7	70	68	...	1	...	1	1	(b)
Shwebo ...	10	...	21	17	...	3	...	...	...	(a) One new trial ordered.
	...	13	33	26	...	...	7	...	...	(b)
Total ...	44	...	108	98	...	7	2	...	...	(a) One new trial ordered. A.
	...	458	1,033	931	18	30	44	7	8	(b) Two new trials ordered. B.
Ye-u ...	3	...	4	3	...	...	1	...	...	(a)
	...	42	95	70	1	2	...	4	9	(b) Seven persons' sentences quashed. Two persons new trial ordered. Four persons transferred.
Sagaing ...	28	...	54	17	...	2	20	1	1	(a) Fourteen new trials ordered.
	...	30	34	15	...	1	10	4	4	(b) Four new trials ordered.
Lower Chindwin	4	...	7	7	...	...	...	...	...	(a)
	...	42	117	95	1	13	2	3	6	(b)
Upper Chindwin	...	...	...	...	...	...	...	...	...	(a)
	...	40	84	57	1	4	10	7	12	(b)
Total ...	35	...	65	27	...	2	21	1	1	(a) Fourteen new trials ordered.
	...	154	330	237	3	20	22	18	31	(b) Seven persons' sentences quashed. Six persons new trial ordered. Four persons transferred.
Pakôkku ...	7	...	18	15	...	...	3	...	...	(a)
	...	78	122	112	...	3	6	1	1	(b)
Minbu ...	7	...	21	13	...	...	8	...	...	(a)
	...	148	227	204	...	...	5	4	17	(b) One further enquiry ordered.
Magwe ...	4	...	6	6	...	...	...	...	...	(a)
	...	92	160	123	...	16	12	3	5	(b) Four proceedings quashed.
Total ...	18	...	45	34	...	...	11	...	...	(a)
	...	318	509	439	...	19	23	8	23	(b) Four proceedings quashed; one further enquiry ordered.
Kyauksè ...	11	...	26	19	1	...	6	...	...	(a)
	...	121	296	243	1	43	9	...	...	(b)
Meiktilà ...	17	...	26	25	...	...	...	...	...	(a) One quashed.
	...	26	53	49	2	...	2	...	...	(b)
Yamèthin ...	28	...	70	50	1	...	7	8	12	(a)
	...	91	262	218	...	1	15	13	28	(b)
Myingyan ...	4	...	8	2	...	...	...	2	2	(a) Four new trials ordered.
	...	111	228	181	...	26	2	5	5	(b) Fourteen new trials ordered.
Total ...	60	...	130	96	2	...	13	10	14	(a) One quashed; four new trials ordered.
	...	349	839	691	3	70	28	18	33	(b) Fourteen new trials ordered.
GRAND TOTAL ...	157	...	348	255	2	9	47	11	15	(a) Nineteen new trials ordered; one quashed.
	...	1,279	2,711	2,298	24	139	117	51	95	(b) Seven sentences quashed. Twenty-two new trials ordered. Four proceedings quashed. Four transferred. One further enquiry ordered

(a) Called for on application. | (b) Called for on the District Magistrate's own motion.

The Deputy Commissioner, Mandalay, has done much the largest amount of revisional work. The great majority of the sentences enhanced have been in this court, but on the whole the amount of interference has been small in comparison with the number of persons whose cases were examined. The number of applications for revision is moderate, and doubtless some of them have wrongly been classified as revisions instead of appeals, several District Magistrates not yet having got out of the old system. Judging by this table the work of subordinate Magistrates has been least satisfactory in the Sagaing, Kyauksè, Upper Chindwin, and Magwe districts.

The revisional work of District Magistrates is shown in the monthly returns and is supervised by an examination of a certain number of the cases disposed of.

District Magistrates are not always careful enough to point out to subordinate Magistrates all the defects in their proceedings, and the omission is liable to cause various faults to be overlooked by the latter. It is better to call for fewer records and to deal thoroughly with those examined.

29. The financial result of the rules regarding the fees chargeable for the service of processes and the remuneration of peons is shown in the following table :—

Receipts and Charges of Criminal Process Establishment.

Division.	Name of district.	Number of processes issued.	Receipts from process-fees.			Charges. Salaries of process-serving establishment.			Charges. Contingencies, &c.			Remarks.
			Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
NORTHERN.	Mandalay	9,672	5,750	8	0	.....			.....			
	Bhamo	445	275	8	0	.....			.....			
	Katha	285	218	8	0	.....			.....			
	Ruby Mines	203	164	8	0	.....			.....			
	Shwebo	498	394	8	0	.....			.....			
	Total ...	11,103	6,803	8	0	.....			...			
CENTRAL	Ye-u	127	152	8	0	.....			.....			
	Sagaing	813	604	0	0	.....			.....			
	Lower Chindwin ...	753	592	0	0	.....			.....			
	Upper Chindwin ...	301	236	2	0	.....			.....			
	Total ...	1,994	1,488	10	0	.....			.....			
SOUTHERN.	Pakôkku	665	562	0	0	.....			.....			
	Minbu	999	759	12	0	.....			.....			
	Magwe	712	539	8	0	.....			.....			
	Total ...	2,376	1,861	4	0	.....			...			
EASTERN	Kyauksè	746	567	8	0	.....			.....			
	Meiktila	1,201	1,052	0	0	.....			.....			
	Yamèthin	1,415	878	0	0	.....			.....			
	Myingyan	722	602	4	0	.....			.....			
	Total ...	4,084	3,099	12	0	.....			.....			
	GRAND TOTAL ...	19,557	13,253	2	0	.....			.....			

During the year sanction was given to the entertainment of a process-serving establishment in all districts, but generally arrangements were not carried out till somewhat late in the year and in some cases not till 1st April 1894.

In complaint cases the processes in some districts, as in Meiktila, are served by this establishment, but the establishment is still small and the usual practice is to send all criminal processes to the police for service.

District Magistrates have furnished certain figures for filling the columns of charges, but as they appear to me to give no useful information in their present fragmentary form I have left them all out.

It will perhaps be possible next year to calculate the charges with some kind of accuracy.

30. With regard to the miscellaneous work of the courts, one remarkable thing is the extent to which the people of the country have had recourse to the provisions of the criminal law concerning the maintenance of wives and children, especially in the districts of Mandalay, Meiktila, Myingyan, and Sagaing.

The number of such cases during the past year is returned at 552. In Mandalay the number of cases of maintenance dealt with in the courts of the Magistrates of the town has been—

1888.	1889.	1890.	1891.	1892.	1893.
95	129	169	231	65	122

In several of these cases the bailiff acts as the collecting and disbursing agency, the present number of such cases being 10 and the total amount passing through the bailiff's books Rs. 76-8-0.

Questions of considerable difficulty have arisen in connection with maintenance cases, particularly with reference to Buddhist law. If the application of the English system should have some effect, as seems not unlikely on Burman matrimonial laxity and on the recklessness with which sexual relations are formed and dissolved in this country, it will probably be no bad thing.

GENERAL.

31. It may be said that an improvement in procedure, in general arrangements, and in the way of doing work is noticeable among the subordinate Magistrates.

This is due in a large measure to the instruction given by District Magistrates and Subdivisional Magistrates on inspection and otherwise.

Even in districts like the Upper Chindwin and Bhamo, where political affairs and the administration of troublesome hill tribes constantly demand attention, the Deputy Commissioners, Mr. Porter and Mr. George, have been able to make time for inspecting and looking after the courts of their Magistrates.

In Bhamo I was much pleased on inspection to find a great improvement in the Court of the Myoôk, Shwegu, and there is said to be a similar improvement in the Sinkin Myoôk's Court.

Commissioners have devoted much time to the work of inspecting courts, and Mr. Bridges particularly has taken great pains for the improvement of the courts in regularity and general efficiency.

District Magistrates generally have also done a good deal for the instruction and guidance of subordinate Magistrates and for the satisfactory conduct of the judicial administration.

32. Among those who have paid most attention to this work or whose performance of magisterial duties has been especially satisfactory during the year may be named besides others already referred to—

Mr. K. G. Burne.	Mr. G. W. Shaw.
Mr. H. Adamson.	Captain N. C. Perkins.
Major G. S. Eyre.	Captain H. A. Browning.

Changes of officers have been somewhat numerous and frequent, and it is not easy to pick out from the reports the Subdivisional and Township Magistrates who have been long enough in one place to be specially mentioned, but the following names may be put down here :—

Mr. A. P. Pennell.	Maung Po Sa, A.T.M.
Lieutenant H. DesVœux.	Maung Tun (1), K.S.M.
Mr. W. F. Grahame.	Maung Po Thein (2).
Mr. W. B. Tydd.	Maung San Paw U.
Mr. E. G. Bear.	Mr. C. E. Crawford.
Maung Aung Zan.	Maung Pe (10).
Maung Shaung.	Maung On Thi.
Mr. J. F. Pereira. .	Maung Lat.

It is satisfactory to find an advance in the character of the work of other Magistrates not mentioned above.

G. D. BURGESS,
Judicial Commissioner, Upper Burma.

LOWER BURMA APPENDICES.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Showing the number of Judicial divisions and the number of Officers exercising Appellate or Original Jurisdiction in Lower Burma for the year 1893, with the cost of Tribunals.

Name of province.		Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction. Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other subordinate Courts.	Total number of cases decided. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.	Remarks.
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
LOWER BURMA. Territory subject to the High Court.	Civil	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Criminal	87,957	46,58,627	7	21	34	2	7	20	157	19*	41,381	622	3,888	700	3,48,685 0 10	6,75,347 6 10	
	Revenue	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Territory not subject to the High Court.	Civil	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Criminal	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Revenue	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total	87,957	46,58,627	7	21	34	2	7	20	157	19	41,381	622	3,888	700	3,48,685 0 10	6,75,347 6 10	

Grades of Judicial Officers.		European.	Native.
Officers exercising both original and appellate jurisdiction.	Judicial Commissioner ...	1	...
	Recorder of Rangoon ...	1	...
	Sessions Judges ...	5	...
	Additional Sessions Judge ...	1	...
	Judge of Moulmein ...	1	...
	District Magistrates ...	20	...
	Magistrates of 1st class invested with appellate powers under section 407, Criminal Procedure Code.	1	...
Officers exercising original jurisdiction only.	Stipendiary Magistrates of 1st class.	21	49
	Stipendiary Magistrates of 2nd class.	5	51
	Stipendiary Magistrates of 3rd class.	2	28
	Special Magistrates under section 14, Criminal Procedure Code.	1	1
	Honorary Magistrates sitting singly.	1	3
	Benches of Honorary Magistrates.	...	13

* Including 13 Benches of Honorary Magistrates counting each Bench as one officer.

JUDICIAL STATEMENT NO. 2 (CRIMINAL).

Showing offences reported and of persons tried, convicted, and acquitted of each class of offence in Lower Burma for the year 1893.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons. Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.	Remaining under trial.	Remarks.
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	2	2	1	1	...	1	...	...	
Offences relating to the Army and Navy, Chapter VII	3	3	1	1	...	1	...	...	
Offences against the public tranquillity, Chapter VIII	329	324	321	1,876	634	1,117	6	119	
Offences by, or relating to, public servants, Chapter IX	148	140	138	198	107	73	8	10	
Contempts of the lawful authority of public servants, Chapter X	189	189	186	336	150	162	5	19	
False evidence and offences against public justice, Chapter XI	628	781	777	1,086	492	551	8	35	
Offences relating to coin and Government stamps, Chapter XII	53	47	44	68	37	29	1	1	
Offences relating to weights and measures, Chapter XIII	42	41	44	73	19	54	...	...	
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV ...	1,381	1,288	1,164	2,076	547	1,513	5	11	
Offences relating to religion, Chapter XV	51	47	42	67	59	26	...	2	
Offences affecting the human body, Chapter XVI. — Offences affecting life	270	258	296	426	229	132	4	61	
Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	3	3	3	4	2	2	...	...	
Hurt	3,133	3,064	2,634	4,562	2,619	1,766	17	160	
Wrongful restraint and wrongful confinement	116	95	92	206	155	44	1	6	
Criminal force and assault	3,430	3,260	3,193	5,284	3,419	1,732	17	116	
Kidnapping, forcible abduction, slavery, and forced labour	182	152	101	130	87	34	1	8	
Rape	183	131	92	110	77	24	1	8	
Unnatural offence	15	10	6	6	4	1	...	1	
Offences against property, Chapter XVII. — Theft	11,813	10,974	6,696	9,354	3,534	5,577	54	189	
Extortion	100	93	99	217	139	72	...	6	
Robbery and dacoity	504	438	400	1,045	487	461*	7	90	*Including one new trial ordered by the Judicial Commissioner.
Criminal misappropriation of property	187	173	161	259	136	116	...	7	
Criminal breach of trust	637	533	483	582	333	215	5	28	One withdrawn.
Receiving stolen property	325	320	323	563	216	355	1	11	
Cheating	278	238	233	316	183	117	4	12	
Fraudulent deeds and disposition of property	14	13	10	14	10	3	...	1	
Mischief	1,016	928	673	1,323	916	358	2	37	
Criminal trespass	2,475	2,300	1,686	2,751	1,648	1,009	39	55	
Offences relating to documents and to trade or property-marks, Chapter XVIII	33	29	29	44	29	11	...	4	
Criminal breach of contracts of service, Chapter XIX	13	11	12	18	13	5	...	...	
Offences relating to marriage, Chapter XX	260	230	218	278	234	29	2	13	
Defamation, Chapter XXI	127	109	111	199	152	43	2	2	
Criminal intimidation, insult, and annoyance, Chapter XXII	1,913	1,808	1,846	2,684	1,743	868	6	47	
Offences under special and local laws	19,102	18,944	15,745	32,913	7,750	24,395	106	662	
Total ...	49,155	46,966	40,860	69,110	26,160	40,926*	302	1,721	One withdrawn.

JUDICIAL STATEMENT No. 2-A. (CRIMINAL.)

Showing the general result of the trial of European British subjects in Lower Burma for the year 1893.

Description of offence.	Number of persons accused and brought before a Magistrate: Remaining at the close of the previous year.	Within the year: On complaint, section 191 (a), Criminal Procedure Code.	On police report, section 191 (b) of the Code.	By Magistrate *suo motu*, section 191 (c) of the Code.	On transfer from another province.	Total.	Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Persons whose cases were disposed of — By District Magistrates and other 1st class Magistrates: Received by transfer under section 451-B of the Code.	Convicted.	Acquitted or discharged.	Committed: To Court of Sessions.	To High Court.	Transferred by order under section 451-B of the Code.	Total, omitting entries in columns 10 and 15.	By Courts of Sessions: Received by transfer under section 451-B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 of the Code.	Total, exclusive of column 17.	By High Court: Convicted.	Acquitted.	Total.	Total for all Courts: Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Number of cases: Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court for an order under section 456 of the Code.	Of those entered in column 5, number who applied under section 9, Act III of 1884, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Offences against the State, Chapter VI of the Indian Penal Code.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to the Army and Navy, Chapter VII ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against the public tranquillity, Chapter VIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences by, or relating to, public servants, Chapter IX	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Contempts of the lawful authority of public servants, Chapter X.	...	2	...	...	...	2	...	2	...	1	1	...	...	...	2	...	...	...	...	...	...	...	...	1	1	2	...	2	2	...	...	...	...
False evidence and offences against public justice, Chapter XI.	...	1	2	...	...	3	...	3	...	3	...	...	...	...	3	...	...	...	...	...	...	...	...	3	...	3	...	2	2	...	...	...	...
Offences relating to coin and Government stamps, Chapter XII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to weights and measures, Chapter XIII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to religion, Chapter XV ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the human body, Chapter XVI. — Offences affecting life ...	...	...	1	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of births.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hurt ...	...	14	4	...	...	18	...	18	...	9	8	...	1	...	18	...	...	...	...	...	...	...	...	9	8	17	1	17	16	1	...	...	...
Wrongful restraint and wrongful confinement...	...	2	...	...	...	2	...	2	...	...	2	...	...	...	2	...	...	...	...	...	...	...	...	...	2	2	...	1	1	...	...	...	...
Criminal force and assault ...	...	32	8	...	...	40	...	40	...	13	27	...	...	...	40	...	...	...	...	...	...	...	...	13	27	40	...	35	35	...	...	...	...
Kidnapping, forcible abduction, slavery, and forced labour.	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Rape ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Unnatural offence...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against the property, Chapter XVII. — Theft ...	...	...	13	...	...	13	...	13	...	7	2	4	...	...	13	4	2	2	...	4	...	...	...	9	4	13	...	10	10	...	...	...	...
Extortion ...	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Robbery and dacoity ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal misappropriation of property ...	...	...	1	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	...	1	...	...	...
Criminal breach of trust ...	...	1	1	...	...	2	...	2	...	...	...	1	1	...	2	1	...	1	...	1	...	...	...	1	1	1	1	2	1	1	...	...	...
Receiving of stolen property ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cheating ...	...	2	...	...	...	2	1	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Fraudulent deeds and disposition of property ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mischief ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal trespass ...	...	6	2	...	...	8	...	8	...	2	5	...	...	...	7	...	...	...	...	...	...	...	...	2	5	7	1	8	7	1	...	...	...
Offences relating to documents and to trade or property-marks, Chapter XVIII.	1	1	...	...	...	2	...	2	...	...	...	2	...	...	2	2	...	2	...	2	...	...	...	...	2	2	...	1	1	...	...	...	...
Criminal breach of contracts of service, Chapter XIX ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to marriage, Chapter XX ...	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Defamation, Chapter XXI ...	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Criminal intimidation, insult, and annoyance, Chapter XXII.	...	7	...	...	...	7	...	7	...	2	5	...	...	...	7	...	...	...	...	...	...	...	...	2	5	7	...	6	6	...	...	...	...
Offences under special and local laws ...	...	122	210	...	...	332	...	332	...	296	36	...	...	...	332	...	...	...	...	...	...	...	...	296	36	332	...	223	223	...	...	...	...
Total ...	1	155	242	...	...	438	1	437	...	333	98	7	2	...	435	7	2	5	...	7	...	...	...	335	98	433	4	315	311	4	...	...	...

Subsidiary table.

	35 — Of the total number of persons shown in Column 16.			Column 21.		Columns 21 and 24.		36 — Of cases shown in column 30: Disposed of by Magistrates.		Disposed of by Sessions Judges.	
	Number who claimed to be tried by a mixed jury, section 451-A (1) of the Code.	Number who did not so claim.	Number of those in column 35 (1) whose cases were transferred under section 451B of the Code.	Number who claimed a mixed number of assessors, section 451 (2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	4	431	...	...	...	...	3	24	283	1	3

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Showing miscellaneous proceedings under the Criminal Procedure Code in Lower Burma for the year 1893.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned	Number of persons discharged.	Number of persons convicted	Remarks.
1	2	3	4	5	6
1.—Proceedings against witnesses under Chapter VI C and section 485	4	6	3	3	
2.—Proceedings under Chapter VIII, to prevent breach of the peace ...	53	161	55	104	Two pending.
3.—Proceedings under Chapter VIII, Security for good behaviour	1,830	1,865	438	1,376	Forty-seven pending and nine escaped.
4.—Proceedings against local nuisances, Chapter X	12	21	10	11	
5.—Possession, Chapter XII	32	57	36	21	
6.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250.	30	35	3	32	
7.—Non-attendance of jurors or assessors, Chapter XXIII, section 332	17	28	10	18	
8.—Maintenance, Chapter XXXVI	379	379	161	206	Twelve pending.
9.—Forfeiture of bail or recognizance, under Chapters XLII	167	257	123	121	Thirteen pending.
Total ...	2,524	2,809	834	1,892	Seventy-four pending and nine escaped.

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Showing the general result of Criminal trials in the Tribunals of various classes in Lower Burma for the year 1893.

Class of tribunal	Total number of persons under trial.	Persons whose cases were disposed of. Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted. On regular trial.	Convicted. On summary trial.	Committed or referred.	Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates ... Special Magistrates, under section 14 ...	126	...	15	111	...	...	...	110	2	140	
Subordinate Magistrates ... Honorary Magistrates sitting singly ...	8	...	6	...	2	...	...	3	17	3	
Subordinate Magistrates ... Stipendiary Magistrates sitting singly ...	54,267	280	21,161	24,333	5,239	1,790	1,464	30,719	8	113,503	
Subordinate Magistrates ... Benches of Magistrates	12,628	1	3,641	780	8,104	1	101	8,135	3	9,999	
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	765	1	231	455	25	43	10	505	21	...	
Chief Magistrates of districts	2,201	11	675	991	224	251	49	1,250	19	8,316	
Courts of Sessions	1,195	9	417	632	...	49	88	619	33	4,418	
Superior Courts	54	...	14	30(a)	...	...	9	40	35	9	One withdrawn.
Total ...	71,244	302	26,160	27,332	13,594	2,134	1,721	41,381	8	136,388	One withdrawn.

(a) Includes one new trial ordered by the Judicial Commissioner.

JUDICIAL STATEMENT No 5 (CRIMINAL).

Showing the punishments inflicted by the various Criminal Tribunals in Lower Burma for the year 1893.

Class of tribunal.	Persons sentenced to: Death.	Transportation	Penal servitude.	Imprisonment: Rigorous.	Imprisonment: Simple.	Forfeiture of property.	Fine.	Whipping	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour	Persons imprisoned in default of security for good behaviour.	Detail of punishment. Fine: Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under	Rs. 500 and under.	Rs. 1,000 and under	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	Imprisonment: Fifteen days and under.	Six months and under.	Two years and under	Seven years and under.	Above seven years.	Whipped: Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Village Officers ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...		...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under section 14.	...	...	...	2	...	...	109	...	...	...	57	37	12	3	...	...	2,862 8 0	2,824 8 0	10 0 0	1	1	...	...	...	...	...	...	...
Honorary Magistrates sitting singly.	...	...	...	...	...	...	2	...	...	...	2		...	...	...	...	12 0 0	12 0 0	.....	...	...	...	...	...	...	...	...	...
Stipendiary Magistrates sitting singly	...	...	...	7,060	160	...	19,983	1,841	1,418	860	12,130	6,803	795	245	10	...	3,27,159 11 8	2,78,888 2 2	24,775 3 0	538	5,103	2,419	20	...	228	950	663	2
Benches of Magistrates	...	...	...	57	2	...	8,806	19	...	...	8,161	631	14	...	...	...	29,732 0 6	25,870 11 0	869 12 0	23	36	...	...	...	9	8	2	...
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	...	...	...	352	...	...	17	142	...	...	5	9	1	2	...	...	1,289 0 0	612 4 9	.....	1	59	273	19	...	19	62	61	2
Chief Magistrates of districts	...	...	...	822	15	...	257	153	86	56	121	95	34	17	...	...	12,562 4 9	7,042 8 0	777 12 4	45	243	260	345	...	9	43	101	1
Courts of Sessions ...	3	314	...	288	2	...	16	5	22	22	3	3	1	7	1	1	11,106 8 2	1,372 0 0	.....	1	36	49	203	23		...	5	
Superior Courts	19	8	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	...	...	...	1	1	...	...	...	...
Total ...	22	322	...	8,583	179	...	29,200	2,160	1,526	938	20,479	7,578	857	274	11	1	3,84,718 1 1	3,16,622 1 11	26,432 11 4	609	5,478	3,001	586	24	265	1,063	832	8

JUDICIAL STATEMENT NO. 5-A (CRIMINAL).

PART I.

Showing whippings inflicted undec sections 2 and 3, Act VI of 1864, in lieu of other punishmedts in Lower Burma for the year 1893.

Offences for which awarded.		Number of stripes awarded.												Total.	Remkafs.
		5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
		First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other punishments (sections 2 and 3, Act VI of 1864)—															
1.—Theft, as defined in	section 379, do.	10	...	92	...	190	2	141	4	56	2	141	6	644	
	section 380, do.	6	...	100	...	227	5	251	3	90	12	188	12	894	
	section 381, do.	3	...	6	...	19	...	17	...	13	...	19	...	77	
	section 382, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
2.—Extortion, as defined in	section 388, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
	section 389, do.	...	...	...	...	2	...	...	...	...	...	2	...	4	
3.—Dishonestly receiving stolen property, as defined in	section 411, do.	...	...	...	...	4	...	16	...	8	...	4	1	33	
	section 412, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
4.—Offences under	section 353, do.	...	...	...	...	...	...	...	...	...	...	3	...	3	
	section 354, do.	...	...	...	...	...	...	...	...	...	...	1	...	3	
	section 392, do.	...	...	...	...	...	...	...	...	...	3	...	...	3	
	section 393, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
	section 400, do.	...	...	...	...	...	...	...	...	...	...	2	...	2	
	section 445, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
	section 446, do.	...	...	1	...	...	...	3	...	1	...	6	...	11	
	section 448, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
	section 453, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
	section 456, do.	...	...	...	...	...	...	1	...	2	...	...	...	3	
	section 457, do.	...	...	...	...	...	...	3	...	1	...	7	...	11	
	Total ...	19	...	200	...	443	7	435	7	171	17	375	19	1,693	

PART II.

Statement showing whippings inflicted in addition to other pnnishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1893.

Offences for which awarded.		Number of stripes.						Total.	Remarks.
		5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1		2	3	4	5	6	7	8	9
In addition to other punishments (sections 3 and 4)—									
A.—Section 3.									
1.—Theft, as defined in	section 379, do. ...	...	...	14	12	15	84	125	
	section 380, do. ...	3	5	32	42	27	90	205	
	section 381, do. ...	...	...	1	...	1	3	5	
	section 382, do. ...	...	...	2	...	...	...	2	
2.—Extortion, as defined in	section 388, do. ...	...	...	...	...	...	...	...	
	section 389, do. ...	...	...	...	...	...	...	...	
	Carried over ...	3	5	49	54	43	183	337	

PART II—concluded.

Statement showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1893—concluded.

Offences for which awarded.		Number of stripes. 5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks.
1		2	3	4	5	6	7	8	9
	Brought forward ...	3	5	49	54	43	188	337	
3.—Dishonestly receiving stolen property, as defined in	section 411, I. P. C. ...	...	...	...	1	...	3	4	
	section 412, do. ...	...	...	...	...	...	...	...	
4.—Lurking house-trespass, as defined in	section 443, do. ...	...	...	...	...	...	...	...	
5.—Lurking house-trespass by night, as defined in	section 444, do. ...	...	...	...	...	...	...	...	
6.—Housebreaking, as defined in ...	section 445, do. ...	...	...	...	...	...	1	1	
7.—Housebreaking by night, as defined in	section 446, do. ...	...	...	...	...	...	...	...	
	section 456, do. ...	...	1	...	...	...	...	1	
	section 457, do. ...	...	...	1	1	...	4	6	
B.—Section 4,	section 457, I. P.C. ...	...	...	...	...	...	...	...	
1.—False evidence, as defined in ...	section 193, I. P. C. ...	...	...	...	...	...	1	1	
	section 194, do. ...	...	...	...	...	...	...	...	
	section 195, do. ...	...	...	...	...	...	...	...	
2.—False charge of unnatural offence, as defined in	section 211, do. ...	...	...	...	...	...	...	...	
	section 377, do. ...	...	...	...	...	...	...	...	
3.—Assault, as defined in	section 354, do. ...	...	...	...	...	...	...	...	
4.—Rape, as defined in	section 375, do. ...	...	...	...	...	...	...	...	
5.—Unnatural offence, as defined in ...	section 377, do. ...	...	...	...	...	...	...	...	
6.—Robbery, as defined in	section 390, do. ...	...	...	...	...	...	...	...	
7.—Dacoity, as defined in	section 391 do. ...	...	...	...	...	...	...	...	
8.—Attempt at robbery, as defined in ...	section 393, do. ...	...	...	...	...	...	...	...	
9.—Hurt in committing robbery, as defined in ...	section 394, do. ...	...	...	1	...	...	...	1	
10.—Receiving stolen property, as defined in section 413, do. ...		...	...	...	...	...	...	...	
11.—Forgery, as defined in	section 463, do. ...	...	...	...	...	...	...		
	section 466, do. ...	...	...	...	...	...	...	...	
	section 467, do. ...	...	...	...	...	...	...	...	
	section 468, do. ...	...	...	...	...	...	...	...	
	section 469, do. ...	...	...	...	...	...	...	...	
12.—Lurking house-trespass, as defined in section 443, do. ...		...	...	...	...	...	..	...	
13.—Lurking house-trespass by night, as defined in	section 444, do. ...	...	...	...	...	...	...	...	
14.—Housebreaking, as defined in ...	section 445, do. ...	...	..	...	...	...	...	...	
15.—Housebreaking by night, as defined in	section 446, do. ...	...	...	...	...	...	...	...	
	section 392, do. ...	...	...	...	...	...	2	2	
	Total ...	3	6	51	56	43	194	353	

PART III.

Statement showing whippings inflicted under section 5, Act VI of 1864, on Juveniles for offences other than those specified in Parts I and II in Lower Burma for the year 1893.

Offence.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	11	...	24	2	46	1	16	1	4	...	9	...	114	

PART IV.

Statement showing relative number of times whipping was awarded as compared with other punishments in Lower Burma for the year 1893.

Punishments.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded ...	2,160	
2. Total number of other punishments in cases in which whipping might have been awarded.	6,455	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	8,615	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	25·07	

JUDICIAL STATEMENT NO. 6 (CRIMINAL).

Showing the result of appeal and revision in Criminal cases in Lower Burma for the year 1893.

Class of tribunal.	Number of persons.											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals to—													
Chief Magistrates of districts	911	...	249	315	...	157	164	3	6	1	16	9	
Courts of Sessions	3,259	10	1,841	505	...	273	480	...	66	4	80	14	
Superior Courts { by persons convicted	536	...	332	83	...	31	56	1	4	...	29	22	
Superior Courts { by Government from judgments of acquitta ...	3*	...	[illegible]	...	...	...	...	...	...	...	...	47	* One convicted, one withdrawn and one committed to Sessions.
Tota ...	4,709	10	2,422	903	...	461	700	4	76	5	125	14	
Revision by—													
Chief Magistrates of districts	5,752	...	35	5,064	...	5	6	1	69	266	306	25	
Courts of Sessions	1,320†	...	479	604	1	7	30	...	29	64	102	40	† Three withdrawn and one struck off.
Superior Courts	1,671	...	59	971	23	210	224	...	22	...	162	23	
Tota ...	8,743	...	573	6,639	24	222	260	1	120	330	570	27	
GRAND TOTAL ...	13,452	10	2,995	7,542	24	683	960	5	196	335	695	22	

JUDICIAL STATEMENT NO. 13 (CRIMINAL).

Showing the use of Jurors and Assessors in the Criminal Courts in Lower Burma for the year 1893.

Classes of Courts in which jurors or assessors are employed.		Established or average number of jury or assessors in each case, and prescribed qualifications.	Number of accused persons in jury trials.				Number of accused persons in trials with assessors.				Remarks.
			Tried.	As to whom the Judge			Tried.	As to whom the Judge			
				Approved of verdict.	Did not approve of verdict.	Made reference under section 307, Criminal Procedure Code		Agreed with all the assessors.	Differed from one or more, but not from all the assessors.	Differed from all the assessors.	
1		2	3	4	5	6	7	8	9	10	11
Magistrates' Courts under Chapter X, C. P. Code.	Jurors ...	...		..	...	...	...	...	...	...	
Courts of Sessions	Jurors ...	5	75	75	...	..	...	...	..	.	
	Assessors	2		...	...	...	739	462	42	235	
High Court, Original (Criminal) Jurisdiction.	Jurors ...	9	2	2	...	...	...	...	...	...	
Total ...		...	77	77	.	.	739	462	42	235	

G. B. C. P. O.—No. 3454, B. S., 22-8-94—380.

UPPER BURMA APPENDICES.

JUDICIAL STATEMENT No. 1 (CRIMINAL):

Showing the number of Judicial divisions and the number of Officers exercising Appellate or Original Jurisdiction in Upper Burma for the year 1893, with the cost of Tribunals.

Name of province.			Area in square miles.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction. Judges of Chief Courts of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other subordinate Courts.	Total number of cases decided. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.	Remarks.
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Upper Burma.	Territory subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Rs. A. P. ...	Rs. A. P. ...	
		Criminal ...	83,473	3,063,426	4	16	45	1	5*	16	165	19	12,531	687	912	4,102	1,35,094 8 2	4,44,798 14 2	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...		...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...		83,473	3,063,426	4	16	45	1	5*	16	165	19	12,531	687	912	4,102	1,35,094 8 2	4,44,798 14 2	

Grades of Judicial Officers.	European.	Native.
Officers exercising both Original and Appellate Jurisdiction.		
Judicial Commissioner	1	...
Sessions Judges	4	...
Additional Sessions Judge ...	1	...
District Magistrates ...	16	...
Assistant or Extra Assistant Commissioners with appellate powers.	1	...
Officers exercising Original Jurisdiction only.		
Assistant Commissioners	23	...
Extra Assistant Commissioners ...	12	3
Myoôks ...	13	113
Special Magistrates, section 14, C. C. P.	1	15
Honorary Magistrates sitting singly ...	...	
Benches of Honorary Magistrates ...	...	3
Total ...	72	134

* Four Sessions Judges and one Additional Sessions Judge

JUDICIAL STATEMENT No. 2 (CRIMINAL).

Showing the number of offences reported and of persons tried, convicted, and acquitted of each class of offence in Upper Burma for the year 1893.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons: Under trial during the year including pending from previous year.	Number of persons: Acquitted or discharged.	Number of persons: Convicted.	Number of persons: Died, escaped, or transferred to another province.	Number of persons: Remaining under trial.	Remarks.
1	2	3	4	5	6	7	8	9	10
Offence of abetment, Chapter V	1	1	1	6	1	5	...	...	
Offences against the State, Chapter VI of the Indian Penal Code	3	3	5	7	2	3	...	2	
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	
Offences against the public tranquility, Chapter VIII	61	60	61	346	97	210	7	32	
Offences by, or relating to public servants, Chapter IX	56	55	56	81	34	41	2	4	
Contempts of the lawful authority of public servants, Chapter X	96	92	94	201	86	113	...	2	
False evidence and offences against public justice, Chapter XI	220	202	200	303	120	175	...	8	
Offences relating to coin and Government stamps, Chapter XII	8	8	7	51	3	5	...	43	
Offences relating to weights and measures, Chapter XIII	4	4	4	5	...	5	...	...	
Offences affecting public health, safety, convenience, decency, &c., Chapter XIV	448	441	436	884	217	664	...	3	
Offences relating to religion, Chapter XV	16	16	15	49	17	32	...	...	
Offences affecting the human body, Chapter XVI. — Offences affecting life	119	116	106	135	49	71	...	15	
Offences affecting the human body, Chapter XVI. — Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	...	...	...	...	...	...	...	...	
Offences affecting the human body, Chapter XVI. — Hurt	783	770	718	1,227	753	422	2	50	
Offences affecting the human body, Chapter XVI. — Wrongful restraint and wrongful confinement	76	66	65	109	81	28	...	...	
Offences affecting the human body, Chapter XVI. — Criminal force and assault	1,137	1,079	1,072	1,785	1,129	635	2	19	
Offences affecting the human body, Chapter XVI. — Kidnapping, forcible abduction, slavery, &c.	56	38	36	62	47	14	...	1	
Offences affecting the human body, Chapter XVI. — Rape	85	55	46	58	36	19	2	1	
Offences affecting the human body, Chapter XVI. — Unnatural offence	3	2	3	4	3	1	...	...	
Offences against property, Chapter XVII. — Theft	4,369	4,181	1,851	2,515	708	1,773	4	30	
Offences against property, Chapter XVII. — Extortion	34	30	31	43	22	17	1	3	
Offences against property, Chapter XVII. — Robbery and dacoity	271	250	130	292	82	192	8	15	
Offences against property, Chapter XVII. — Criminal misappropriation of property	105	99	97	167	80	82	1	4	
Offences against property, Chapter XVII. — Criminal breach of trust	243	211	186	216	74	138	3	1	
Offences against property, Chapter XVII. — Receiving of stolen property	123	122	126	236	73	158	...	5	
Offences against property, Chapter XVII. — Cheating	153	128	127	166	98	59	...	9	
Offences against property, Chapter XVII. — Fraudulent deeds and disposition of property	5	4	4	6	5	1	...	...	
Offences against property, Chapter XVII. — Mischief	440	410	354	614	412	197	...	5	
Offences against property, Chapter XVII. — Criminal trespass	1,160	1,075	894	1,529	986	500	4	39	
Offences relating to documents and to trade, &c., Chapter XVIII	13	10	12	17	9	8	...	...	
Criminal breach of contracts of service, Chapter XIX	11	11	11	15	7	8	...	...	
Offences relating to marriage, Chapter XX	131	112	111	133	107	23	...	3	
Defamation, Chapter XXI	92	80	80	120	93	26	...	1	
Criminal intimidation, insult, and annoyance, Chapter XXII	484	456	448	602	444	151	1	6	
Attempt to commit hurt, Chapter XXIII	...	...	...	...	...	...	...	...	
Offences under special and local laws	5,287	5,265	5,239	10,170	2,620	7,274	39	237	
Total	16,093	15,452	12,626	22,154	8,495	13,050	71	538	

JUDICIAL STATEMENT No. 2-A. (CRIMINAL).

Showing the general result of the trial of European British subjects in Upper Burma for the year 1893.

| Description of offence. | Number of persons accused and brought before a Magistrate. | | | | | | | | Persons whose cases were disposed of | | | | | | | |

JUDICIAL STATEMENT NO. 3 (CRIMINAL).

Showing miscellaneous proceedings under the Criminal Procedure Code in Upper Burma for the year 1893.

Name of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Proceedings against witnesses under Chapter VIC and section 485	1	2	.....	2	
2.—Proceedings under Chapter VIII to prevent breach of the peace	7	13		5	
3.—Proceedings under Chapter VIII, Security for good behaviour	260	265	90	175	
4.—Proceedings against local nuisances, Chapter X	2	7	1	6	
5.—Possession, Chapter XII	7	10	7	3	
6.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250.	6	8	1	7	
7.—Non-attendance of jurors or assessors, Chapter XXIII, section 332	.....	.....	.....	.....	
8.—Maintenance, Chapter XXXVI	552	547*	289	250	* One died and seven pending at the end of the year.
9.—Forfeiture of bail or recognizance under Chapter XLII	22	38	11	27	
Total ...	857	690	407	475	

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Showing the general result of Criminal trials in the Tribunals of various classes in Upper Burma for the year 1893.

Class of tribunal.	Total number of persons under trial.	Persons whose cases were disposed of.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted	Number of witnesses examined.	Remarks.
		Died, escaped, or transferred to another province	Discharged or acquitted.	Convicted. On regular trial.	Convicted. On summary trial.	Committed or referred.					
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers ...	...	...	...	...	...	...	...	...	...	..	
Subordinate Magistrates.. Special Magistrates under section 14 ...	8	...	2	6	...	...	...	7	7·43	21	
Subordinate Magistrates.. Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates.. Stipendiary Magistrates sitting singly ...	18,470	59	7,514	9,509	799	207	392	9,863	8·07	28,820	
Subordinate Magistrates.. Honorary Magistrates	2,436	...	549	...	1,786	1	100	1,726	7·05	1,094	
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	76	...	5	70	...		1	41	9·85	...	
Chief Magistrates of districts	1,250	7	379	628	79	122	35	727	14·00	3,576	
Courts of Sessions	244	5	45	148	...	29	17	145	32·59	935	
Superior Courts	29	...	1	25	...	...	3	22	6·18	...	
Total ...	22,513	71	8,495	10,386	2,664	359	538	12,531	8·56	34,446	

JUDICIAL STATEMENT No. 5 (CRIMINAL.)

Showing the punishments inflicted by the various Criminal Tribunals in Upper Burma for the year 1893.

Class of tribunal	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS.																	
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security, or recognizance to keep the peace, or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under	Above Rs 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years	Ten stripes and under.	Twenty stripes and under	Thirty stripes and under	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Village Officers	...	...	...	...	..	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under section 14.	...	...	...	5	..	...	1	...	...	..	1	...	...	...	...	...	5 0 0	5 0 0		3	...	2	.	...	..	...	...	...
Subordinate Magistrates. Stipendiary Magistrates, sitting singly.	...	...	...	2,093	121	...	7,558	739	161	46	5,072	2,171	247	68	...		1,11,973 7 9	96,796 15 5	6,203 2 8	230	1,465	495	69	...	116	405	218	1
Subordinate Magistrates. Honorary Magistrates ...	...	...	...	...	...	...	1,784	2	..	...	1,563	216	5	...	...	...	4,118 2 0	4,100 2 0	1,660 0 0	...	...	...	...	...	1	1	.	...
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	...	...	...	58	...	...	6	8	...	...	3	3	...	..	...	...	115 0 0	115 0 0	...	...	9	44	5	...	4	...	4	...
Chief Magistrates of Districts.	...	..	..	397	20	...	293	108	19	10	112	139	20	21	...	1	13,836 4 3	11,622 9 7	769 8 0	32	150	145	100	.	19	21	68	3
Courts of Session	...	54	...	94	1	...	14	9	...	...	..	10	2	2	...	...	884 0 0	100 0 0	...	..	5	9	79	2	.	2	7	...
Superior Courts	24	1	...	...	..	...	..	...	...	...	..	.	..	...	...	...	.	...	...	...	...	...	...	.	.	...	...	...
Total ...	24	85	..	2,646	142		9,656	866	180	56	6,751	2,539	274	91	.	1	1,30,981 14 0	1,12,730 11 0	8,622 10 8	265	1,629	695	239	2	140	429	297	4

JUDICIAL STATEMENT No. 5-A. (CRIMINAL).

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI of 1864, and under section 7 (1) (c) of the Upper Burma Laws Act, 1886, in lieu of other punishments in Upper Burma for the year 1893.

Section of Indian Penal Code.	Offence for which awarded.	Number of stripes awarded.													
		5 and under		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		Total.	Remarks.
		First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	IN LIEU OF OTHER PUNISHMENTS.														
	Section 2 and 3, Act VI of 1864.	6	...	8	...	34	1	30	...	5	1	14	...	99	
379	Theft	...	...	1	...	4	...	5	...	...	...	2	...	12	
380		11	...	65	1	121	...	146	8	39	9	99	8	507	
381		3	...	5	...	6	...	8	...	1	1	2	1	27	
382		...	...	...	...	...	...	...	...	...	...	...	...	...	
388	Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	
389		...	...	...	...	...	...	...	...	...	...	...	...	...	
411	Dishonestly receiving stolen property	...	...	3	...	4	1	7	...	7	...	5	...	27	
412		...	...	...	...	...	...	...	...	...	...	...	...	...	
454	Lurking house trespass	...	...	7	...	2	...	7	...	...	...	2	...	18	
	Lurking house-trespass by night	...	...	...	...	...	...	...	...	...	...	...	...	...	
457	Offence under section 49, Prisons Act ...	...	...	1	...	...	...	...	...	...	...	...	...	1	
	Section 7 (1) (c) of the Upper Burma Laws Act, 1886.														
302	Murder	...	...	...	...	...	...	...	...	...	...	...	...	...	
304	Culpable homicide not amounting to murder	...	...	...	...	...	...	...	...	...	...	...	...	...	
307	Attempt to murder	...	...	...	...	...	...	...	...	...	...	...	...	...	
325	Voluntarily causing grievous hurt	...	...	...	...	...	...	...	...	...	...	...	...	...	
326		...	...	...	...	...	...	...	...	...	...	...	...	...	
327		...	...	...	...	...	...	...	...	...	...	...	...	...	
329		...	...	...	...	...	...	...	...	...	...	...	...	...	
333		...	...	...	...	...	...	...	...	...	...	...	...	...	
382	Theft, preparation having been made for causing hurt, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	
386	Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	
387															
392	Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	1	...	1	
393		...	...	...	...	...	...	...	...	...	...	...	...	...	
394		...	...	...	...	...	...	...	...	...	...	...	...	...	
395		...	...	...	...	3	...	...	...	1	...	...	...	7	
396		...	...	...	...	...	...	...	...	...	...	...	...	...	
397		...	...	...	...	...	...	...	...	...	...	...	...	...	
398		...	...	...	...	...	...	...	...	...	...	...	...	...	
399		...	...	...	...	...	...	...	...	...	...	...	...	...	
400		...	...	...	...	...	...	...	...	...	...	...	...	...	
401		...	...	...	...	...	...	...	...	...	...	...	...	...	
402		...	...	...	...	...	...	...	...	...	...	...	...	...	
412	Dishonestly receiving stolen property knowing that it was obtained by dacoity.	...	...	...	...	...	...	...	...	...	...	...	...	...	
435	Mischief by fire, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	
436															
440	Mischief committed after preparation made for causing death or hurt, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	
455	Lurking house-trespass and housebreaking	...	...	...	...	...	...	...	...	...	...	...	...	...	
456		...	...	...	...	...	...	...	...	...	...	...	...	...	
459		...	...	...	...	...	...	...	...	...	...	...	...	...	
460		...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...	20	...	90	1	174	2	206	8	53	11	135		699	

JUDICIAL STATEMENT NO. 5-A (CRIMINAL).

Part II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, and section 7 (1) (c) of the Upper Burma Laws Act, 1886, in Upper Burma for the year 1893.

Section of Indian Penal Code.	Offence for which awarded.	Number of stripes. 5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks.
1	2	3	4	5	6	7	8	9	10
	Section 3, Act VI of 1864.								
379	Theft	...	...	...	2	1	9	12	
380		...	2	4	12	5	47	70	
381		...	1	4	1	...	11	17	
382		...	...	...	...	...	...	...	
325	Extortion	...	...	...	...	...	1	1	
389		...	...	...	...	...	...	...	
411	Dishonestly receiving stolen property ...	...	...	...	...	...	1	1	
412		...	...	...	...	...	...	...	
454	Lurking house-trespass	...	...	...	...	...	...	...	
457	Lurking house-trespass by night	...	...	...	...	...	6	6	
	Section 4, Act VI of 1864.								
193	Giving or fabricating false evidence ...	...	...	...	...	...	...	...	
194		...	...	...	...	...	...	...	
195		...	...	...	...	...	...	...	
211	False charge of unnatural offence	...	...	...	...	...	...	...	
377		...	...	...	...	...	...	...	
354	Assault	...	...	...	...	...	...	...	
375	Rape	...	...	...	...	...	...	...	
377	Unnatural offence	...	...	...	...	...	...	...	
392	Robbery and dacoity	...	...	...	2	...	7	9	
393		...	...	...	...	...	3	3	
394		...	...	...	...	...	2	2	
395		...	...	...	3	...	2	5	
396		...	...	...	...	...	...	...	
397		...	...	...	...	...	...	...	
398		...	...	...	...	...	...	...	
399		...	...	...	...	...	...	...	
400		...	...	...	...	1	1	2	
401		...	...	...	...	...	...	...	
402		...	...	...	...	...	...	...	
413	Receiving stolen property	...	...	...	...	...	...	...	
465	Forgery	...	...	...	...	...	...	...	
466		...	...	...	...	...	...	...	
467		...	...	...	...	...	...	...	
468		...	...	...	...	...	...	...	
469		...	...	...	...	...	...	...	
454	Lurking house-trespass, &c.	...	...	...	...	...	...	...	
455		...	...	...	...	...	...	...	
457		...	...	...	...	...	...	...	
458		...	...	...	...	...	...	...	
	Section 7 (1) (c) of the Upper Burma Laws Act, 1886.								
302	Murder	...	...	...	...	...	...	...	
304	Culpable homicide not amounting to murder	...	...	...	...	...	...	...	
307	Attempt to murder	...	...	...	...	...	...	...	
325	Voluntarily causing hurt	...	...	...	...	...	...	...	
326		...	...	...	...	...	...	...	
327		...	...	...	...	...	...	...	
329		...	...	...	...	...	...	...	
333		...	...	...	...	...	...	...	
382	Theft	...	...	...	...	...	...	...	
386	Extortion	...	...	...	...	...	...	...	
387		...	...	...	...	...	...	...	
392	Robbery and dacoity	...	...	...	...	...	...	...	
393		...	...	...	...	...	...	...	
394		...	...	...	...	...	...	...	
395		...	...	...	...	...	...	...	
396		...	...	...	...	...	...	...	
397		...	...	...	...	...	...	...	
398		...	...	...	...	...	...	...	
399		...	...	...	...	...	...	...	
400		...	...	...	...	...	...	...	
401		...	...	...	...	...	...	...	
402		...	...	...	...	...	...	...	
412	Dishonestly receiving stolen property	...	...	...	...	...	...	...	
435	Mischief by fire, &c.	...	...	...	...	...	...	...	
436		...	...	...	...	...	...	...	
440	Mischief committed after preparation made for causing death or hurt, &c.	...	...	...	...	...	...	...	
455	Lurking house-trespass	...	...	...	...	...	...	...	
458		...	...	...	...	...	...	...	
459		...	...	...	...	...	...	...	
460		...	...	...	...	...	...	...	
506	Criminal intimidation if threat be to cause death or grievous hurt.		...	...	...	...	...	...	
	Total ...	.	3	8	20	7	90	128	

JUDICIAL STATEMENT NO. 5-A. (CRIMINAL).

PART III.

Showing whippings inflicted under section 5, Act VI of 1864, on Juveniles for offences other than those specified in Parts I and II in Upper Burma for the year 1893.

Offence.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	8	...	18	...	5	...	6	...	...	...	2	...	39	

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments in Upper Burma for the year 1893.

Punishment.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded	866	
2. Total number of other punishments in cases in which whipping might have been awarded.	2,083	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	2,049	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	29·37	

JUDICIAL STATEMENT No. 6 (CRIMINAL).

Showing the result of appeal and revision in Criminal cases in Upper Burma for the year 1893.

Class of tribunal.	Number of persons.											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of districts	291	...	21	149	2	46	55	1	9	...	8	8	
To Courts of Session	797	...	240	260	2	116	119	...	13	...	47	26	
To Superior Courts ... By persons convicted ...	141	...	98	10	...	14	17	...	1	...	1	13	
To Superior Courts ... By Government from judgment of acquittal.	2	...	...	...	...	...	2	...	...	...	.		
Total ...	1,231	...	359	419	4	176	193	1	23	...	56	20	
Revisions													
By Chief Magistrates of districts	4,162	...	98	3,314	26	150	157	29	85	142	161	8	
By Courts of Sessions	1,770	...	560	794	...	...	...	...	2	199	215	11	
By Superior Courts	2,205	...	7	1,593	10	157	156	90	57	.	135	47	
Total ...	8,137	...	665	5,701	36	307	313	119	144	341	511	16	
GRAND TOTAL ...	9,368	...	1,024	6,120	40	483	506	120	167	341	567	17	

G. B. C. P. O.—No. 3453, B. S., 23-8-94—380.